

A
COLLECTION
OF THE
Debates and Proceedings
IN
PARLIAMENT.
In 1694, and 1695.
Upon the INQUIRY into the
Late Briberies
AND
Corrupt Practices.

Tanquam majus ullum Populo Bellum sit, quam cum
iis, qui Legum ferendarum causa creati, nihil juris in ci-
vitate relinquerent. *T. Liv.*

*As if any War were of such Consequence to the People, as
that which is carried on against those who being brought into the
Legislative, and intrusted with the Laws, overturn all Law,
and leave neither Right nor Justice in the State.*

LONDON, Printed in the Year MDCXCV.



P R E F A C E.

IT is most evident to all such who are in the least acquainted with the Greek and Roman Histories, that BRIBERY and CORRUPTION were the chief Causes of the Overtbrow of those free Governments.

By these Means Philip of Macedon ruin'd most of the Commonwealths of Greece, so much celebrated in Antient History.

The Spartan State which had flourish'd with such Glory about 800 Years, was soon destroy'd by the corrupt Use of those immense Riches their Asiatick Conquests furnished them with.

The Ruine of the Roman Commonwealth is (by all who have wrote upon that Subject) attributed to that Corruption with which they were overrun after they became Masters of Asia, and the Plunder thereof. Before that time Honour had been the Reward of good and great Actions, but then Money without Merit opened the Door at which Fools and Knaves entred when honest Men could not be admitted: Then it seem'd a Crime to be virtuous; and that People became so degenerate, that the Consulship, Government of Provinces, Commands of Armies, and every Publick Employment, were put to sale, and all carried by Caballing and Bribery, without any regard had to the Merits of Men, and their Services to their Country.

This occasioned that severe Exclamation, O Urbem venalem si Emptorem invenisset! Intimating, that they would sell even the City it self, if a Man were found who had a Purse sufficient to make the Purchase.

And it is yet fresh in Memory, how our own Nation was brought to the very Brink of Destruction by the corrupt Practices of the Reign of King Charles the Second. Then was the time when all Men of Vertue, untainted Probity, and Love to their Country, ran the Hazard of being ruin'd. Then was the time we beheld a Band of abject PENSIONERS in Parliament, a List whereof is yet extant. Then was the time we saw our Senators wearing the Badg of Slavery, and doing a Tyrant's Drudgery, for Clothes and Sustenance. Then was the time when no less Sum than 252467 l. was squandred amongst those Mercenary Wretches in less than three Years; and it is well known who was then Lord TREASURER.

P R E F A C E.

Then was the time when an hungry Member was sure of a * Dinner at one or other of the Publick Tables kept about Westminster, (and which very lately began to be set up again) to feed the Betrayers of their Country: And that they might be at hand, Sir John Copleston and Sir Richard Wiseman were then allowed to keep open Houses at the Foot of the Parliament Stairs.

So numerous were these Hirelings in that illustrious Body, that if any Point were there carried on England's side, it was often but by the poor Majority of two or three Voices. And I cannot but remember upon this Occasion a Story, (for the Truth whereof I can undertake) There was a contended Election in that House of Commons between Mr. Trenchard and Mr. Bertie; and it being carried for Mr. Bertie, the Lord O Brian, who was related to the then Lord Treasurer, came in Triumph to him with the News, and said, My Lord! We have carried the day, and voted thirteen more than one and twenty.

The Nation groaned under the Burden of these inglorious and wicked Practices, which ripened us for Ruine; and to this Day their sad Effects are very sensibly felt. We then traffick'd away the Peace of Europe; and to that Corruption is owing the Growth, and hitherto unsubdued Power of France.

If to sell the Determination of any Difference between private Persons be held in the highest Detestation, how justly execrable then do those render themselves who traffick away Nations and the Rights of a free-born People?

We have a famous Instance of the transcendent Justice of our Nation, in the case of the great and learned Lord Chancellor Bacon: He was thrown down from his high Station, upon an Accusation of Bribery, though all that then was positively proved against him was his allowing a Servant to accept a Present of a Set of beaten Silver Buttons.

* The Practice was, that besides a Dinner, when they had done any eminent piece of Service, every one found under his Plate such a parcel of Guinea's as it was thought his Day's Work had merited.

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MENT, in 1694, & 1695. upon the In-
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THAT the Inquiry into the corrupt Practices here related was as accidental as necessary, will be readily agreed by those who consider from whence it came: We find in the History thereof mention made of the monstrous Sums of Thousands, and Tens of Thousands; yet at the first the Paiment of that petty Sum of ten Pounds, or less, had certainly prevented this happy Discovery; the Rise whereof was from *Royston*, not from the famous *Tory Club* there, but from the just Complaint of some honest Inhabitants, against Abuses of Officers and Souldiers in exacting Subsistence-Money. This coming by Petition before the House of Commons upon the 12th of *January*, 1694. and the Petitioners, and also Mr. *Tracy Pauncfort* Agent for Colonel *Hastings's* Regiment, and the Officers complained of, being heard and examined, it was (upon the 23d of *January*) Resolved, *That the Officers and Souldiers of the Army demanding and exacting Subsistence-Money is arbitrary and illegal, and a great Violation of the Rights and Liberties of the Subject; and thereupon Ordered, that the Commissioners for taking and stating the Publick Accounts do lay before the House their Observations of the Abuses and ill Practices committed by the Agents of the Regiments of the Army, and that the said Agent Pauncfort should forthwith lay before the House a particular Account of the Moneys received by him, and how he had paid the same, and when, and to whom, and what remained in his Hands. And,*

Upon bringing in his Account accordingly, and being examined thereto, on the 28th of *January*, it was (upon the Consideration of

the Observations of the Commissioners for taking and stating the Publick Accounts) Resolved by the House, *That the said Agent, for neglecting to pay the Subsistence-Money to the Officers and Souldiers that quartered at Royston, having Moneys in his Hands to do the same, be taken into Custody of the Serjeant at Arms attending the House.* And afterwards, upon the 12th of February he being again examined, and refusing to answer to several Questions, though required upon pain of being proceeded against with the utmost Rigour and Severity, it was resolved, that *by his obstinate Refusal to answer to a Matter of Fact, he had violated the Privilege, and contemned the Authority of the House, and the Fundamental Constitution thereof, and for so doing was committed Prisoner to the Tower.*

The next we have upon the Stage is Mr. *Edward Pauncfort*, who being summoned and examined by the House, upon the 16th of February, it was (upon Consideration of the Observations made by the Commissioners for taking and stating the Publick Accounts) Resolved, That he, *for contriving to cheat Col. Hastings's Regiment of 500 Guinea's, and for giving a Bribe of 200 Guinea's, be taken into Custody of the Serjeant at Arms.*

Then followed Mr. *Henry Guy*, a Member of the House, in whose Case it was the same Day, upon Consideration of the before mentioned Observations, Resolved, *That he, for taking a Bribe of 200 Guinea's, be committed to the Tower.*

And upon the 7th of March Mr. *James Craggs* (one of the Contractors for the clothing the Army) having refused to produce his Books, and to be examined before the Commissioners for taking and stating the Publick Accounts, and being called into the House, and persisting in his Refusal, it was resolved that he be committed to the Tower for refusing to produce his Books of Accounts, thereby obstructing the Inquiry of the House into the Disposal of the Publick Moneys.

Hereupon, for Redress of the notorious Abuses of the Officers and their Agents, the House agreed upon an humble Representation to the King, to lay before his Majesty the Grievance of raising Money under Pretence of *Subsistence*, wherein they thus express themselves:

'This is, in great measure, occasioned by the undue Practices of
'some of the Agents and Officers; the Particulars of which we beg
'leave to lay before your Majesty, in order to the more effectual preventing the like Miscarriages for the future.

'L. Some

'I. Some of the Agents, amongst other their ill Practices, have
'detained the Money, due to the Souldiers, in their Hands, and
'made use of it for their own Advantage, instead of immediately
'applying it to the Subsistence of the Officers and Souldiers, for
'whom they were intrusted.

'II. Their intolerable Exactions and great Extortions upon the
'Officers and Souldiers, for paying Money by way of Advance;
'their charging more for the Discount of Tallies than they actually
'paid: by which fraudulent imposing upon those who serve in Your
'Majesty's Armies it appeareth, that notwithstanding they have a
'greater Pay than is given in any other Part of the World, they are
'yet reduced to Inconveniences and Extremities, which ought not to
'be put upon those who venture their Lives for the Honour and Safe-
'ty of the Nation.

'III. In particular, Colonel *Hastings* hath compelled some Offi-
'cers of his Regiment to take their Clothes from him at extravagant
'Rates, by confining and threatning those that would not comply
'therewith; by which the Authority that may be necessary to be
'lodg'd in the Colonel over the inferiour Officers, in some Cafes, is
'misapplied, and extended so as to promote a private Advantage of
'his own, without any Regard to your Majesty's Service, or to the
'Discipline of the Army.

'IV. Colonel *Hastings*'s Agent hath presumed fraudulently to de-
'tain five hundred Guinea's out of a Bounty given by Your Majesty
'to the Officers of that Regiment, under pretence of giving them
'as a Bribe to obtain the same, to the Dishonour of your Majesty,
'and Injury to the Officers thereof; and hath taken two Pence *per*
'Pound out of the Money due to the Officers and Souldiers; for
'which Deduction there being no Warrant, the Colonel, whose Ser-
'vant the Agent is, is answerable.

'V. Colonel *Hastings*'s Agent hath refused or neglected to give
'an Account of the Pay due to the Captains of his Regiment, and
'their Companies, which tends apparently to the defrauding the
'Officers and Souldiers.

'VI. Some of the Agents assume to themselves the Liberty of
'making great Deductions, which, since they know not how to justi-
'fy, they endeavour to cover, by putting them under the Shelter of
'the uncertain Head of Contingencies, which giveth them the bet-
'ter Opportunity of hiding the Frauds and Abuses that would other-
'wise be more liable to be detected.

‘VII. Colonel *Hastings* hath discharged an Ensign by putting another into his room, contrary to the true Discipline of an Army, from which the Colonels have no Right to exempt themselves to enlarge their own Authority, to the prejudice of your Majesty’s Service, and of the Officers who serve under them.

‘VIII. Colonel *Hastings* hath taken Money for the recommending to Commands in his Regiment, to the great Discouragement of the Officers who are to serve in Your Majesty’s Armies, who ought to be such as deserve their Commands, and not such as pay for them.

‘These things we most humbly represent to your Majesty, in confidence of having them redress’d by Your Majesty’s Justice and Wisdom.

This Representation being presented to the King, his Majesty was pleased to give this gracious Answer thereto, viz.

Gentlemen,

I Will consider your REPRESENTATION, and take all Care possible to have the Grievances redress’d.

About the same time there came a loud Outcry of Bribery against the Commissioners for licensing Hackney-Coaches; and the House of Commons having appointed a Committee to examine it, upon the 8th of March, they made Report to the House, that several of the Commissioners for licensing Hackney-Coaches, by receiving Bribes, acted corruptly.

Thereupon the House ordered the Committee to distinguish the Commissioners, which they accordingly did; and in their Report of the 22d of March we find an honourable Vindication of *Henry Ashburst* and *Walter Overbury* Esqs; two of the Commissioners; and that the others had, by receiving Bribes, and by other undue Means, acted corruptly and arbitrarily: Upon which the House Resolved, that an Address be made to his Majesty to remove them from the Commission for licensing Coaches, which was accordingly done, and they were removed.

From these small Beginnings a common Murmur arose; that an universal Corruption had overspread the Nation; that Court, Camp, and City, were tainted; nay, the very Parliament it self infected: so that the Lords and Commons were ready to write [Lord

have.

have Mercy on us] upon their Doors. But the House of Commons being awakened by the Alarm, began to reflect upon the Wisdom of their Ancestors, and to consider what Measures they had taken upon the like Occasions for the Preservation of their Posterity; and resolved to search into the bottom of this reigning Corruption: And pursuant thereunto,

Upon Thursday the 7th Day of *March*, the House appointed a Committee to inspect the Books of the *East-India* Company, and of the Chamberlain of *London*; and impowered them to send for Persons and Papers.

The Names of that Committee were,

<i>Paul Foley</i> Esq;		<i>Thomas Pelham</i> Esq;
<i>Sir Richard Onslow</i> ,		<i>Sir Samuel Barnardiston</i> ,
<i>John Pollexfen</i> Esq;		<i>Thomas Wharton</i> Esq;
<i>Sir John Thomson</i> ,		<i>Francis Gwyn</i> Esq;
<i>Foote Onslow</i> Esq;		

Upon Tuesday the 12th of *March*, Mr. *Foley* reported from the Committee who were appointed on Thursday last to inspect the Books of the *East-India* Company, and also the Books of the Chamberlain of *London*, the several Matters as they appear'd to the Committee, which was read, and is as follows.

The Report of the Committee, appointed Jovis 7. Martii 1694. to inspect the Books of the East-India Company immediately.

THE Committee as soon as they came to the *East-India*-House, understood some Clerks of the Company, by Order, had lately taken out of their Books an Account of all Monies paid for the Special Service of the Company, beginning in the Year 1688; whereupon the Committee called for that Abstract, which is as follows:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Paid in Cash for the Company's Special	1688	1284	13 6
Service in the Year	1689	2096	2 2
	1690	3056	3 8
	1691	11372	15 0
	1692	4659	15 4
	1693	80468	16 8
	1694	4075	6 3
		<hr/>	<hr/>
		107013	12 7

Upon which the Committee observing, That the greatest Payment was in the Year 1693, they searched for the Orders for the Issuing of that Money, the chief of which were,

One dated the 13th of *April* 1693, at a Court of Committees, in the words following.

‘The Governour this Day acquainting the Court with what Proceedings had been made in their Affairs towards granting a new *Charter*, and with what had been disburst by him in prosecution thereof, the Court approved of the said Charges, and ordered a Warrant to be made out for the same; and returned him Thanks for his great Care, Pains and Trouble in their Service, desiring him to proceed in the perfecting thereof.

Another was dated the 24th of *November* 1693, at a Court of Committees, held the same Day, *viz.*

‘The Governour this Day making a Representation of what Sums of Money had been by him of late disburst in the Management, and Carrying on of the Company's Affairs for their Service, The Court approved thereof, and ordered that a Warrant be made out for making the same paid in Cash accordingly, giving him their Thanks for his great Care and Pains taken therein.

Another was at a Court of Committees holden the 22^d of *January* 1693, in the words following:

‘It being represented to the Court, That in the farther prosecution of the Company's Affairs, and in order to their Settlement, there have been several Sums of Money disburst, amounting to 30000 *l.* in the whole; the Particulars whereof were now laid before them, and Consideration thereof had; it is ordered, That the said Money be made paid in Cash, and that a Warrant be made out accordingly.

Your

Your *Committee* find by examination of most of the Persons present at the aforefaid Committees, That the Governour in the said Committees did only in general inform what Sums he had disburst, without naming the Particulars to whom, or to what Service; which several of them said was a new Course since Sir *Thomas Cooke* came to be Deputy-Governour, or Governour; but in all times before he was concerned, the Particulars of all Sums for the Special Service of the Company, were declared.

Further, your *Committee* find, That in pursuance of the first Order, dated the 13th of *April* 1693, 22275*l.* was paid out of the Cash, in pursuance of that Order, and 24983*l.* in pursuance of the next Order dated the 24th of *Novemb.* 1693. and 30000*l.* in pursuance of the last Order of the 22^d of *January*, 1693.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Amounting in all to —————	77258	00	00
Besides several smaller Sums, amounting in the } whole to —————	10144	12	03
Which, with the former Sum, makes —————	87402	12	03

All issued in the Year 1693. while Sir *Tho. Cooke* was Governour, and *Francis Tyssen* Esq; Deputy-Governour, for the Special Service of the Company. Besides these Warrants, your Committee found what is called a previous Order; a Copy of one of which is as follows:

At a Court held the 24th of *November*, 1693.

Sir *Thomas Cooke* Governour,
Francis Tyssen Esq; Deputy-Governour,

It is ordered, ' That the Cashire-General do from time to time ' make Paiment of such Sums of Money for carrying on of the Company's Service, as the Governour shall direct, pursuant to the Sense ' of the present Debate.

By virtue of which, the Governour received several Sums between that and the 22^d of *January* following; at which time he declared he had disburst 30000*l.* and had an Order then for placing the same to Account, as is before observ'd.

The like previous Order was alledg'd to be made to the other Warrants for the 22275*l.* and 24983*l.* but your Committee had not time to inspect the same.

Your

Your Committee understood that at a Court held the 20th of December 1694, they impowered several Members of the Company to meet and consider the Matters to them referred, by order of the 14th of November 1694; who in pursuance thereof, had drawn up a State of the Company's Cash to be presented to the Company, dated at the *East-India-House* the 7th of March 1694. In which State, near all the aforesaid Sums were observed to be paid, and placed to the Company's Accompt of Charges general paid out of Cash, viz.

			<i>l.</i>	<i>s.</i>	<i>d.</i>
In	{	1688 & 1689, { Sir <i>Benj. Bathurst</i> Governour, and	2230	14	0
		{ Sir <i>Josiah Child</i> Deputy-Govern.			
	{	1690 & 1691, { Sir <i>Joseph Herne</i> Governour, and	13532	9	2
		{ Sir <i>T. Cooke</i> Deputy-Governour,			
	{	1692 & 1693, { Sir <i>Tho. Cooke</i> Governour, and	87402	12	3
		{ Mr. <i>Tyssen</i> Deputy, ————			
In the whole ————			103165	15	5

Of the Disposall of which Money, the Committee say they have been able to obtain no farther Accompt, than that the same is made paid in the Company's Books, in general Terms for Special Service; and that a great part thereof, was, as they are informed, put into the Hands of Sir *Basil Firebrace*: And the most material Orders of Court that appear to them to relate to the greatest Sums, were those of the 13th of April 1693, the 24th of November 1693, and 22d of January 1693, before observed.

In the said State, drawn by the said Committees, they observe, That upon Examination of the Company's Cash-Book, they found the Ballance the 31st of October 1694, was 124249 *l.* 15 *s.* 10 *d.* They demanded of Mr. *Portmans* the Cashire, if he had the same in Cash: he replied, He had not; but instead thereof, laid before them in writing, on the 22d of November 1694, that 90000 *l.* was lent upon Sir *Thomas Cooke's* Notes, with other Particulars, which make up the above-mentioned Ballance.

For which 90000 *l.* Mr. *Portmans* produced the then Governour, Sir *Tho. Cooke's* Notes, *in hæc verba.*

'Received the 10th of January 1693, of Mr. *Edmond Portmans* for
'Account of the *East-India* Company, Ninety thousand Pounds;
'which I have disburs'd and paid for Ninety nine thousand one hun-
'dred ninety seven Pounds Stock in the *East-India* Company, for
'their

their Accompt; which I promise to be accountable for on Accompt of the *East-India* Company, and was by Order of Court of the 24th of November 1693.

The said Committee do observe, That they do not find any Warrant for the said Sum, or any of that Stock transferr'd in the Company's Books, for their Accompt, exceeding 18300 *l.* Stock the 16th of January last.

The Committees of the *East India* Company, besides the State above of Cash, did draw up another State of Contracts; in which they say, they found a Contract bearing date the 26th of February 1693, for 200 Tun of Salt-Petre, to be brought home in the Ship *SEYMOUR* from *India*, to pay the Sum of 12000 *l.* for the same, and 25 *l.* Freight per Tun, to the Owners of the Ship, besides all Charges here: 2000 *l.* part of the said 12000 *l.* which was the Sum sent out to purchase the said Salt-Petre, is actually paid out of the Company's Cash; and a Bond for the remaining 10000 *l.* is given under the Seal of the Company, payable the 31st of March next, (*viz.* 1695.) whether the Ship arrive in safety or not; with this Limitation only, That if 200 Tun of Petre be not laden upon the said Ship, then to repay in proportion to the want thereof. So that the result of this Contract is, *viz.* the Company runs the Adventure of 12000 *l.* for that which cost only 2000 *l.* and must consequently lose 12000 *l.* if the Ship miscarry: And on the contrary, the Seller on the other hand gets 10000 *l.* clear, without disburfing or running the hazard of one Penny; and what is yet more, a certain loss of 9 or 10000 *l.* will attend it, if the Ship arrive in safety.

Your Committee examining the Members of the Company concerning this State, they own the Contract to be true; that the 2000 *l.* was paid, and the Bond given to Mr. *Tho. Colston*.

About the same time this Contract was made, it appear'd to this Committee, That so many of the Interlopers as would sell their Shares they had in the Interlopers to the *East-India* Company, were allow'd their first Cost, and 25 *l.* per cent. advance; which was done by giving them Credit for so much in the *East-India* Books.

Your Committee finds Sir *Samuel Dashwood*, Sir *John Fleet*, *John Perry* Esq; Sir *Joseph Herne*, and Sir *Tho. Cooke*, are mentioned to be present at the Court of Committees when the Orders above-recited were made: But they being all Members of this House, the Committee did not think fit to send for them in order to their Examination.

Upon the whole matter, it appeared to your Committee, That the Money issued during the time of Sir *Joseph Herne* and Sir *Tho. Cooke's* Government, was disposed of by them for private Service; which they have caused to be placed to the Company's Accompt, under the Head of *Charges General*: Of which the rest of the Committees, who were present at the Debate, and making those Orders, most of whom, except the Members of your House, have been examined by the Committee, are not able to give any account: But one of them (*viz.* Sir *Benjamin Bathurst*) said, Sir *Joseph Herne* had the greatest part of the 13932 *l.* 9 *s.* 2 *d.* to dispose of; and Sir *Benjamin Bathurst* would have called for an Account thereof, but Sir *Tho. Cooke* desired he would not: And the Committee of Nine, who was to inspect this whole Matter, have often called upon Sir *Tho. Cooke* to give an Account to whom he has distributed the Money he received; to whom he sometimes promised to give an Accompt, but never did: and at another time said, It was not convenient for them to have it. So that the Secret of that Service, and the Placing of that Money, lies principally with Sir *Tho. Cooke* and Sir *Joseph Herne*.

Sir *Benjamin Bathurst* being examined, he said, That finding so great a Sum as 30000 *l.* charged for Secret Services, he had some warm Discourse with Sir *Thomas Cooke* about it, to know how it was disburs'd: But he refused to give him any Particulars, and told him, He should remember he was bound by his Oath to the Company to keep their Secrets. To which he answered, He was also bound by Oath to be true to the Interest of the Company.

Sir *Benjamin Bathurst* further said, That about *April* 1694, understanding that they were in want of Money, he look'd into the Cash-Book: Which casting up, he found a considerable Sum in Cash; and taking some Persons with him, discoursed Sir *Tho. Cooke* thereof, who said, The 90000 *l.* he had received, was to gratify some Persons in case the Bill should pass.

Sir *Benjamin Bathurst* says, Sir *Thomas Cooke* and Sir *Basil Firebrace* made the Bargain about Salt-Petre; but he knew nothing of it till it came into Court.

Sir *Basil Firebrace* being examined, own'd he had received upward of 16000 *l.* of which he has given an Accompt to the Company; which was for buying Shares of Stock, and of which the Company had allow'd: But said he knew no ground the Committee of Nine had to say, That a great part of the other Sums were put into his Hands. He owns he invited several Persons to come into the

the Company; and offered to lay down Money for several, and that if they liked not at the Year's end, he would then take it off their Hands, and to *Members of the House of Commons among others*; and gave an Accompt to the Company of his doing so, who promised to indemnify him.

Concerning the Accommodation with the *Interlopers*, the Company had a Letter from the Lord *Nottingham*, That it was the King's Pleasure that they should come to an Agreement with the *Interlopers*. The Proposal to them was 25 *per. cent.* for bringing in their Stock to the Company, and one half of the Profit besides; which about one half of the *Interlopers* accepted: But Mr. *Godfrey* and some others, standing upon 30 *per cent.* Mr. *Colston* went off with them, and did not come into the Company.

Mr. *Ward* said it was agreed by the *Interlopers*, That only 2000 *l.* should be employed in buying of Salt-Petre; and Mr. *Colston* was to have the Advantage thereof, which, he believes, was not for Mr. *Colston* himself, but for some other Gentleman. And the original Inducement to the leave of the *Interlopers* going out, was that Agreement with Mr. *Colston*.

The REPORT of the Committee appointed Jovis Septimo Martii 1694, to inspect the Chamberlain of London's Books; and that they have likewise Power to send for Persons and Papers, &c.

YOUR Committee found an Order of the Common-Council for the City of *London*, dated the 24th of *January* 1693, which nominated and appointed Sir *Tho. Stampe*, Sir *Francis Child*, Sir *James Houlton*, and Sir *William Hedges*, Knights and Aldermen; Sir *Henry Furnace* Kt. Mr. Deputy *Ayres*, Mr. *Gilbert Heathcott*, Mr. *John Johnson*, Colonel *Tho. Culbert*, Mr. *Tho Cudden*, Mr. *John Harvey*, Mr. *Daniel Derouille*, Commoners; or any two of the said Aldermen, and four of the said Commoners, to be a Committee to consider of Ways and Means for satisfying the Debts due to the Orphans of this City; and to sollicite the Parliament for a Bill for that Purpose: In which it is ordered, That Mr. Chamberlain do from time to time issue out, and pay all such Sums of Money as are required by, and necessary

cessary for the said Committee for promoting the said Service ; and the Members who serve for this City in Parliament, are desired to be assisting to the said Committee as there shall be occasion : And Mr. *Borrett* the City-Solicitor is to attend the said Committee.

Your Committee found an Order made by the said Committee, dated the 12th Day of *February* 1693, reciting the said Order of Common-Council : And ordered, ' That Mr. Chamberlain do pay to the ' Honourable Sir *John Trevor* Kt. Speaker of the Honourable House of ' Commons, the Sum of One thousand Guineas so soon as a Bill be ' passed into an Act of Parliament for satisfying the Debts of the Or- ' phans, and other Creditors of the said City. Which Order was subscribed by all the said Committee appointed by Common-Council, except Sir *James Houblon* and Mr. Deputy *Ayres*. And on the back of the said Order, was this Indorsement, *viz.*

The within mentioned Thousand Guineas were delivered and paid unto the Honourable Sir *John Trevor* this 22^d Day of *June* 1694, in the Presence of

Sir *Robert Clayton*,
Sir *James Houblon*.

Which at 22 s. exchange, comes to 1100 l.

In the Chamberlain's Account of the Cash, the Entry is thus :

' Paid the 22^d of *June* 1694, by Order of the Committee (appointed by Order of Common-Council to consider of Ways and Means ' for satisfying the Debts due to the Orphans and other Creditors of ' the City, and to sollicite the Parliament for a Bill to that purpose) ' dated the 12th of *February* last, One thousand Guineas, being paid to ' the Honourable Sir *John Trevor* Knight, Speaker of the Honourable H use of Commons, pursuant to the said Order ; which at ' 22 s. Exchange, is ————— 1100 l.

Your Committee understood Sir *Robert Clayton* was ill, and out of Town : they sent for and examined Sir *James Houblon* ; who said he refused to sign the Order of the Committee of the 12th of *February*, not approving thereof ; and being offered a second time he refused it again, and abhorred it : but that Sir *Robert Clayton* did on the

the 22^d of *June* 1694, send for him to come to him ; who accordingly, imagining it was only to meet some Aldermen, went to him, where he found the Chamberlain ; and at Sir *Robert's* Desire, they went together to the Speaker to give him Thanks for his Pains about the Orphans Bill : And as soon as Sir *Robert* and he had past a Complement on the Speaker, the Chamberlain pulled out a Note or Bill, which he delivered the Speaker ; which the Speaker took, and presently they all took their Leaves of him and came away. Sir *James Houblon* saith he did not know the Contents of the Bill ; but the Chamberlain said it was for 1100 *l.* and that within two or three days afterwards, the Speaker sent for the Money, and had it accordingly : But he placed it to Account, according to the Day he delivered the Bill, which was the 22^d of *June*.

Your Committee observed, that the Order of the Committee of the Common-Council which now stands dated the 12th of *February*, was at first dated the 13th of *February* ; and that the Person named therein, was put in by a different hand : And examining who first writ the Warrant, Mr. *Borrett* owned it was his Hand-writing ; and at first said that he believed the Blank at first left therein, was filled up with the Speaker's Name before the Committee signed it, because he believed they would not set their Hands to a Blank : But all the Committee who signed it (who appeared upon Summons) declared, most of them positively, that there was a Blank for the Person's Name when they signed it ; and the rest being doubtful, Mr. *Borrett* afterwards said the Blank might be filled up afterwards, but he could not tell the time : Mr. *Borrett* owned he filled up the Blank with another Pen.

Sir *Thomas Stampe* was out of Town, and Sir *Henry Furnace* was sick ; the rest appeared before your Committee.

Sir *Francis Child* on his Examination, owned he had subscribed the Paper of the 12th of *February*, as one of the Committee ; but saith he did not attend the Committee, nor Sir *Robert Clayton* when he attended the Speaker, and could give little account of the Matter.

Sir *William Hedges* owned his Hand to the Order of the Committee, and that he was at the Committee who agreed this Matter : He saith Mr. *Borrett*, as he thinks, was the Person who told the Committee the Bill could not pass without giving that Sum ; and though the Order was drawn with a Blank, yet the Discourse at the Committee was, that the Speaker was the Person to whom the Sum was to be given : he knows nothing of the Speaker's being acquainted therewith.

Mr. *Daniel Dorville* owned he had subscribed the Order of the Committee: He saith, that he attending in the *Lobby* at the House of Commons upon account of the Orphans, Mr. *George Finch*, Merchant, told him that *if there were not some Guinea's given, that Bill would not go on*; and said 2000 Guinea's were necessary to give him, meaning the *Speaker*, as he understood: And that Mr. *Borrett* likewise declared his Opinion, that Money must be given. And he believeth that Mr. *Borrett* was the first that moved it in the Committee, and named the Sum; but after the Committee had agreed thereunto, the Bill going on, Mr. *George Finch* ask'd what they had given? Which Mr. *Dorville* refused to tell him; but he believes, and understood, that before the Bill passed, or any thing material was done in it, the *Speaker* had notice of the said Order of the Committee, and approved thereof; but knows not whether by *Borrett's* Means, or what other hand.

Mr. *Tho. Cudden* owned his signing of the Order of the Committee: He saith the first rise of this Matter was, that having prosecuted a Bill for this Purpose in former Sessions for a long time without effect, the Committee thought it proper to give this Sum to the *Speaker* for Leave for the Bill to be brought in; and it was signed by the Committee before the Bill was carried into the House; and believes that the Purport of this Order was imparted to the *Speaker* before the Bill was carried into the House. And further saith, that Mr. *Dowse* and Mr. *Shephard*, and he thinks Mr. *George Finch*, (Persons soliciting for the Orphans) told him that it would cost them as much as it would cost the City.

Mr. *John Harvey* owned the signing of the Order; and that in the Committee there was a Discourse of several Sums to be given to procure the Bill to pass, some naming 500, others 1000, some 2000 Guinea's; but he doth not remember any Person to be named to receive the same.

Mr. *John Johnson* gave the like Testimony.

Mr. *Gilbert Heathcott* said he was not present at any Meeting of the Committee; but that he was the last Person that subscribed the Order, which he did by the Example of those who subscribed before him.

Colonel *Thomas Cuthbert* owned his subscribing the Order; and that he was present at the Committee where it was agreed to give 1000 Guinea's, but knoweth not the Rise or Occasion of it, other than the Clamour of the Orphans that the City were close-handed,
and

and thereby had done them no good, which he believeth was the Reason why the City did consent to give 1000 Guinea's.

Mr. *Borrett* being examined, owned he had in the Committee given his Opinion, that 1000 Guinea's should be given to the Speaker. He saith, after the Order was signed it was kept in his Hands for a Month or six Weeks, and then delivered back by him to the Committee. Being ask'd of his Belief, whether the Speaker knew of this Order before the Bill passed, he saith, he doth believe he did know of it; for he, to satisfy the Clamour of the Orphans, had told their Agent, who he believes had easy Access to the Speaker; but that from the time of signing to the time of his Examination, he had not been with the Speaker, nor sent to him.

Your Committee found an Order of the Committee nominated by the Common-Council, dated the 26th of *April*, 1694. reciting the Order of Common-Council, and ordering the Chamberlain to pay to *Paul Jodrell Esq;* the Sum of 100 Guinea's, for his Pains and Service in assisting to pass the Bill in Parliament, for satisfying the Debts of the Orphans and other Creditors of the said City; which was subscribed by most of the Members of the said Committee, together with Sir *James Houblon*, and Deputy *Ayres*, who refused to sign the other Order of the 12th of *February*: on the back of which was the like Indorsement, that the 100 Guinea's were paid to *Paul Jodrell Esq;* the 22d of *June*, 1694. in the Presence of Sir *Robert Clayton* and Sir *James Houblon*, and the Paiment thereof was entred in the Chamberlain's Book the 22d of *June*, 1694. which, at 22 s. Exchange, is 110 l.

The Members who subscribed that Order owned their Hands, and said, it was after the Bill was passed.

Your Committee found in the Chamberlain's Books the several Paiments following to Mr. *Borrett* the City-Solicitor, viz.

		<i>l.</i>	<i>s.</i>	<i>d.</i>
1693	{ <i>January 5.</i>	50	00	00
	{ <i>February 26.</i>	100	00	00
	{ <i>March 12.</i>	50	00	00
1694	{ <i>April 7.</i>	39	14	00
	{ <i>May 5.</i>	127	16	00

These Sums were applied to defray the Charge of drawing the Bill, making Copies thereof, and of Petitions and Orders with relation to the said Bill; amongst which Paiments they find,

Febru--

February 19. Paid Mr. Solicitor General, for his Advice therein,
5 Guinea's.

February 12. Paid Mr. *Harecourt* by Order 5 Guinea's.

March 23. Paid Mr. *HUNGERFORD*, Chairman of the Grand
Committee, for his Pains and Service, 20 Guinea's.

Paid Mr. *Jodrell*, as by his Bill, 60*l.* 9*s.* 6*d.*

Which Accounts were allowed by the said Committee.

Your Committee understood that the Orphans, for the procuring of this Bill, had given Bond to Mr. *Smith* and Mr. *Charles Nowis* to allow them 12*d.* in the Pound, when the Bill was passed, for their Pains and Charges in that Matter; which Contract being made void in that Bill, the Court of Aldermen were impowered to satisfy them their real Expences: Upon which they applied themselves to the Court of Aldermen, and got a Petition to be signed by many of the Orphans, that they were willing, notwithstanding the Act of Parliament, they should be allowed twelve Pence in the Pound; and the said *Nowis* and *Smith* brought in a Bill to the said Committee, of their Charges, amounting to 3457*l.* 16*s.* but, as was alledged, they pretended to be a great deal more out of Purse; by which Argument they got Subscriptions to the said Petition, in which Bill there is charged paid to Mr. *George Finch*, for carrying on the Act, 1650*l.* And Mr. *Dowse* said, that Mr. *Smith* told him, they were out of Pocket great Sums of Money, upon account of the Orphans Bill: and when he was solicited to subscribe the Petition for their having twelve Pence in the Pound, he would have had them taken six Pence; to which they replied, It would not answer their Expectation, for they had been out in this Matter more than ten thousand Pounds.

Mr. *Nowis* and Mr. *Smith* being examined here, did utterly deny that they had given any Money to any Member of Parliament on the Account of the said Bill, or knew of any to be given; but they were willing to get what they could, having taken a great deal of Pains in long soliciting the same. They did say, that notwithstanding they charged 1650*l.* to be paid Mr. *George Finch*, yet they had not paid him any Money; but having delivered up his Bond for the twelve Pence in the Pound, they valued his Share of the Orphans Debt to amount to that Sum.

Mr. *George Finch* being examined, did deny to have received any thing from Mr. *Nowis* and Mr. *Smith*, or by their Order, but saith, that he did apply himself to several of the Orphans for Money, up-
on

upon Suggestion that there were Obstructions to the Bill, which must be removed by Money; and that he did receive 100 *l.* from Mr. *John Chadwick*, 100 *l.* from Mr. *Harvey*, 100 *l.* from Mr. *Scott*, 50 *l.* of Mr. *Herne*, and had a Promise of 100 *l.* from Sir *John Smith*, which is not yet paid: that the Obstructions he meant were to take off those who petitioned against the Duty laid in the said Act upon Wine; and finding the Parties concerned to be very many, he did not treat with them, but kept the Money to his own Use, because he had been at Charges in this Matter. He did deny his paying any Money to any Member of Parliament; but wavering in his Discourse, and being again ask'd if he ever did distribute, or know of any Money distributed on account of the Orphans Bill, said, it was a hard thing to be ask'd such Questions; which was all your Committee could get from him.

Mr. *John Chadwick* and Mr. *Herne* proved the Paiment of the Money to Mr. *George Finch*, but could give no account what he had done therewith.

Mr. *George Finch* denying he received any more Money than that from Mr. *Chadwick*, &c. amounting to 350 *l.* which, or part of it, was paid in for his Use to Mr. *Hornby*: and yet being charged by Mr. *Nowis* and *Smith* with 1650 *l.* in their Bill, though on their Examination by your Committee they deny they had paid him any, they thought Mr. *Hornby*'s Books might clear this matter, they keeping Mr. *Finch*'s Account, and therefore sent for them: Mr. *Nath. Hornby* came upon the Summons without the Books; and being told it was to determine a Difficulty about Mr. *Finch*'s Receipts and Paiments, he absolutely refused to let your Committee have a sight thereof, and said, he would not discover to any one whatever, what any Person owed them, or what they owed any Person.

But upon better Thoughts he did shew his Books, but nothing material appeared thereby to this matter.

The House then debated the foregoing Reports, and came to this Resolution;

That Sir John Trevor, Speaker of this House, receiving a Gratuity of 1000 Guinea's from the City of London, after passing of the Orphans Bill, is guilty of a high Crime and Misdemeanor.

After this, Sir *John Trevor* absenting himself from the House, they resolved to choose a new Speaker, and elected *Paul Foley Esq;* to be Speaker. Then,

Upon Saturday the 16th of March it was Resolved, that Sir John Trevor, late Speaker of this House, being guilty of a high Crime and Misdemeanor, by receiving a Gratuity of 1000 Guinea's from the City of London, after passing the Orphans Bill, be Expelled this House.

Upon Monday the 18th of March a Vote passed, that whosoever shall discover any Money or other Gratuity given to any Member of this House for Matters transacted in this House, relating to the Orphans Bill, or the East-India-Company, shall have the Indemnity of this House for such Gift. And,

Ordered, That Mr. Charles Nois do attend the House the next Day; and he attending accordingly, and being examined, it was Resolved by the House, that

Mr. Charles Nois having to several Persons pretended he was out of Purse, or engaged to give great Sums of Money to several Members of this House, in order to pass the Orphans Bill, which on his Examination he denied to have given or promised, hath been an occasion of Scandal to this House, and the Members thereof. And thereupon,

Ordered, That Mr. Charles Nois be taken into Custody of the Serjeant at Arms attending this House.

Upon Tuesday the 26th of March it was Resolved by the House, that Mr. Hungerford, a Member of this House, having received 20 Guinea's for his Pains and Service as Chairman of the Committee of this House, to whom the Orphans Bill was committed, is guilty of a high Crime and Misdemeanor. Thereupon,

Resolved, That Mr. Hungerford be Expelled this House.

It was the same Day Ordered, that Sir Thomas Cooke, a Member of this House, do give an Account to the House how the 87402 l. 12 s. 3 d. mentioned in the Report. was distributed.

And Sir Thomas Cooke being accordingly examined, it was Resolved, that Sir Thomas Cooke having refused to give an Account how the said Sum was distributed, be committed Prisoner to the Tower of London.

Ordered, that a Bill be brought in to oblige Sir Thomas Cooke to give an Account to whom he paid and distributed the said Money, and other Sums mentioned in the Report to be received and distributed by him.

Upon Thursday the 28th of March the Bill to oblige Sir Thomas Cooke to give an Account was read, and ordered a second Reading next Day.

Ordered, That the Cashire to the East-India-Company do forthwith produce the Warrants for the Sums of Money amounting to

13532 *l. 9 s. 2 d.* mention'd in the Report to be paid for Special Service or Charges general of the said Company in 1690 and 1691, and the Receipts for the same.

Ordered, That he do also produce the Warrants for the Sums amounting to 87402 *l. 12 s. 3 d.* paid for Special Service or Charges general of the Company in 1692 and 1693. and the Receipts for the same.

The Bill to oblige Sir *Thomas Cooke* to give an Account, &c. upon Friday the 29th of *March* was read a second time, and committed to a Committee of the whole House.

The Calhires of the *East-India* Company attended and produced Warrants for the several Sums mentioned in the Report, and being examin'd the Warrants were read.

Sir *Basil Firebrace* attended, by Order, upon Saturday the 30th of *March*, and delivered in an Account of Moneys by him paid upon the Account of the *East-India* Company, which was read.

A Petition of Sir *Thomas Cooke* was read, praying he may be heard by Counsel before the Bill against him do pass, and it was resolved that he be heard by his Counsel.

The House (upon the second of *April*) in a grand Committee, went through the Bill to oblige Sir *Thomas Cooke* to account, and made several Amendments, and ordered the Bill to be reported the next Day.

Accordingly upon Wednesday the 3^d of *April*, Mr. *Bridges* reported the Amendments made to that Bill, which were read and agreed unto by the House; and ordered that the Bill with the Amendments be ingrossed.

Upon Saturday the 6th of *April* Sir *Thomas Cooke's* Counsel were called into the House, and his Petition read, and also the ingrossed Bill to oblige him to give an Account, &c. was read the third time, and the Counsel were heard; and then the House resolved that the Bill do pass, and that Mr. *Bridges* do carry the Bill to the Lords, and desire their Concurrence thereunto, which he accordingly did.

It must be here remembred, that at the first reading of the Bill in the Lords House, to oblige Sir *Thomas Cooke* to give an Account, &c. the Duke of *Leeds* spoke vehemently against it, and introduced what he was about to say with a most solemn Protestation of his 'Cleanness and Innocence; and, laying his Hand on his Breast, declared, upon his Faith and Honour, that he was perfectly disinterested, and had no Part or Concern in this Matter, and therefore

‘ might the better appear against it, which he did, expressing great
 ‘ Abhorrence of the Bill.

Upon Saturday the 13th of *April* their Lordships sent a Message to the House of Commons, that they having under their Consideration a Bill *to oblige Sir Thomas Cooke to account, &c.* do desire Sir *Thomas Cooke* (a Member of the House of Commons, and now a Prisoner in the *Tower*) may be permitted and ordered to appear at the Bar of the Lords House, when desired; and thereupon the House of Commons ordered that he do attend the Lords as desired, and that Mr. Speaker issue his Warrant to that purpose.

Sir *Thomas Cooke* being brought upon his Petition to the Bar of the Lords, he declared himself *ready and very willing* to make full Discovery; and said, he had done it before in the House of Commons, if he could have obtained there an *indemnifying Vote*; and that their denying it him had occasioned his appearing before their Lordships in that manner: he bemoaned himself (*weeping*) that he was not indemnified at that Instant, so that he might just then make the Discovery which was expected, and which he was so desirous to make.

Thereupon it was demanded of him, what he would be indemnified from? He answered, *all Actions and Suits*, except from the *East-India Company*, whom, if he had injured, he would be bound to undergo the greatest Rigour. He also said, he desired to be indemnified from *Scandalums*. It was ask’d him, whether he meant *Scandalum Magnatum*? He said, Yes.

He being withdrawn, the Duke of *Leeds* stood up, and declared, ‘ He was very glad that Gentleman was come to such a Temper, as to
 ‘ be willing to discover, whereby that Bill was prevented, which his
 ‘ Lordship esteemed to be of so pernicious a Nature.

‘ His Grace minded their Lordships how the Commons took care of the
 ‘ Reputation of their House, in asking Sir Thomas Cooke *whether he had*
 ‘ *distributed any Money among any of their Members*, who *purg’d* them by
 ‘ a solemn Protestation, that he had not; his Lordship thinks it reason-
 ‘ able the Lords should have some regard to themselves, and therefore
 ‘ moved that Sir *Thomas Cooke* might be called in and ask’d,
 ‘ *Whether he were willing upon Oath to purge all those who sat there.*
 But this was not received.

After this the Lords came to a Resolution, that the Bill sent up from the Commons, *to oblige Sir Thomas Cooke to give an Account.* &c. should not be proceeded upon, but appointed a Committee to draw up a Bill to indemnify him.

That

That Committee being withdrawn, and having made some Progress, notice came from Sir *Thomas Cooke* (by a Reverend *Prelate* who appeared zealous for him) to this purpose, That he was afraid he might be misapprehended as to what he said concerning a Discovery, in that he said he was *willing and ready* ; but by *ready* he meant no more but *willing* : and that he should need at least four Months to make the Discovery he promised.

This was highly resented by some of the Lords of the Committee, who immediately moved that the Committee might rise and report to the House this fresh Matter, and the trifling and prevaricating of Sir *Thomas Cooke*, so that the Bill designed to oblige him to give an Account might now proceed.

Some Lords mollified this, and having taken up some time in speaking ; in the mean while Sir *Thomas Cooke* begging a favourable Treatment, engaged to discover within a Fortnight : he was called in more than once, and at last agreed to the time allow'd by the Bill, *viz.* seven Days. And,

Upon the 17th of *April* the Lords sent a Message to the Commons, that they have passed a Bill entitled, *An Act to indemnify Sir Thomas Cooke from Actions which he might be liable to by reason of his Discovery to whom he paid and distributed several Sums of Money therein mentioned, to be received out of the Treasure of the East-India Company, or for any Prosecution for such Distribution* : To which they desire the Concurrence of the Commons.

The Bill was read the 1st Time, and ordered to lie on the Table. And,

A Message sent to the Lords by Sir *Christopher Musgrave*, to put them in mind of the Bill sent up, entituled, *An Act to oblige Sir Thomas Cooke to give an Account, &c.*

Upon Thursday the 18th of *April* the Commons read a second time the ingrossed Bill from the Lords to indemnify Sir *Thomas Cooke*, &c. and made some Amendments thereto.

Upon Friday the 19th of *April* Mr. *Bridges* reported the Amendments, which being read, were agreed unto, and another Amendment made by the House ; and then the Bill was read a third time, and passed, and Mr. *Bridges* ordered to carry it to the Lords, and acquaint them that the House had agreed to the Bill with some Amendments, to which they desire the Lords Concurrence.

Then came a Message from the Lords to acquaint the House that they had agreed to the Amendments made to the Bill to indemnify Sir *Thomas Cooke*, &c.

Upon

Upon Monday the 22^d of *April* the King came to the House of Lords, and gave the Royal Assent to that Bill, and then told both Houses that in a few Days he must put an end to the Session.

The Act runs thus;

THE Preamble sets forth, That it appears by the Books of the *East-India-Company*, that Sir *Thomas Cooke* Kt. in 1693. being Governour of the Company, did receive out of their Stock and Treasure 77258 *l.* and also 90000 *l.*

And that a true Discovery of the Distribution of those Sums is necessary to the vindicating the Justice and Honour of the Government, and that Sir *Tho. Cooke* hath voluntarily offered to make such Discovery so as he may be indemnified.

It is enacted, That if Sir *Thomas Cooke*, on or before the 23^d Day of *April* 1695, make a true and full Discovery upon Oath before a Committee of the Lords and Commons, how and in what manner, and to what Person or Persons, and to what particular Uses, Intent and Purposes, and on what Account the said 90000 *l.* and the Sum of 67000 *l.* part of the said 77258 *l.* have been distributed, then he shall not, by reason of such Discovery, be liable to any Action of any Person other than the *East-India-Company*; and shall be and is pardoned and indemnified for any Crime in the Distribution or Application of the said Money to any Person other than to himself.

And it is further enacted, That the said Sir *Thomas Cooke* shall, on or before the first of *September*, 1695. either discharge himself upon Oath to the Commissioners for stating and taking the publick Accounts, of the Sum of 10258 *l.* Residue of the said 77258 *l.* or discover to them upon Oath how and in what manner, and to what Person or Persons, and to what Uses, Intent and Purposes, and on what Account the said Sum of 10258 *l.* hath been distributed or made use of; and in such Case he shall not, by reason of such Discovery or discharging himself upon Oath, be liable to any Action, &c. other than the said Company, and is declared Pardoned for any Crime he may be guilty of in the Distribution or Disposal of the same to any Person other than to himself; Provided, that if he shall not, on or before the said 23^d of *April*, make such true and full Discovery, that then he shall from thenceforth continue a Prisoner in the *Tower*, until he shall have made such true and full
Disco-

'Discovery upon Oath before the Commissioners for taking the Publick Accounts.

This Act being so pass'd, the Lords by a Message acquainted the House of Commons, that they had resolved to nominate 12 of their House to be of the Committee appointed by the said Act, and accordingly did nominate these following Lords;

The Lord Privy Seal,		Earl of <i>Monmouth</i> ,
Duke of <i>Shrewsbury</i> ,		Earl of <i>Marlborough</i> ,
Earl of <i>Manchester</i> ,		Earl of <i>Torrington</i> ,
Earl of <i>Bridgewater</i> ,		Lord Viscount <i>Weymouth</i> ,
Earl of <i>Thanet</i> ,		Lord <i>Cornwallis</i> , and
Earl of <i>Rocheſter</i> ,		Lord <i>Godolphin</i> .

Whereupon the House of Commons Resolved, that 24 of their House should be nominated to be of that Committee, and Ordered that the Speaker issue his Warrant for Sir *Thomas Cooke* to attend the Committee of Lords and Commons the next Day.

Upon the 23d of *April* Sir *Henry Hobart* reported the Names of the 24 Members appointed to be of their Committee for Examination of Sir *Thomas Cooke*, viz.

Sir <i>John Thomson</i> ,		Mr. <i>Comptroller</i> ,
Sir <i>Richard Onslow</i> ,		Mr. <i>Harley</i> ,
Mr. <i>Bridges</i> ,		Sir <i>Walter Young</i> ,
Mr. <i>Charles Mountague</i> ,		Sir <i>Christopher Musgrave</i> ,
Mr. <i>Henry Boyle</i> ,		Sir <i>Edward Abney</i> ,
Sir <i>Henry Hobart</i> ,		Mr. <i>Chadwick</i> ,
Sir <i>Thomas Littleton</i> ,		Sir <i>Herbert Crofts</i> ,
Mr. <i>Hutchinson</i> ,		Sir <i>Rowland Gwyn</i> ,
Mr. <i>Boscawen</i> ,		Mr. <i>Papillon</i> ,
Sir <i>Thomas Pope-Blount</i> ,		Sir <i>William Cooper</i> ,
Mr. <i>Clarke</i> ,		Mr. <i>Brockman</i> , and
Mr. <i>Pelham</i> ,		Mr. <i>Gwyn</i> .

The Report of Sir Tho. Cooke's Account from the Committee of both Houses.

Tuesday the 23d of April 1695.

In the Exchequer-Chamber.

AT the Committee of both Houses, appointed to hear and examine Sir *Thomas Cooke*, in pursuance of the late Act to indemnify Sir *Thomas Cooke* from Actions which he might be liable to, by reason of his discovering to whom he paid and distributed several Sums of Money therein mentioned to be received out of the Treasure of the East-India Company, or for any Prosecution for such Distribution.

Sir *Thomas Cooke* being called in, and the Act read, he thereupon observed to the said Committee something relating to the Clause touching his Imprisonment, and did desire that in case he should then make a full and perfect Discovery to the Satisfaction of the Committee, it might by them be represented to each House, so as he might obtain their Votes for his Discharge, he apprehending by the Act that no Person is impowered to release him in case of such Discovery. Whereupon the Committee acquainted him, that they were of Opinion, if he made a full Discovery he would not be liable to the Penalty of that Act, but however his Scruple should be fairly represented to both Houses.

Sir *Thomas Cooke* being sworn, acquainted the Committee, that for their Ease he had put his Confession down in Writing, and delivered it to them; a Copy whereof follows.

The 23d of April,

A true and full Discovery upon Oath made by Sir *Thomas Cooke*, to the best of his Knowledg, how and in what manner, and to what Person or Persons, and to what particular Uses, Intents and Purposes, and on what Account, the Sum of 67000 *l.* and the Sum of 90000 *l.* have been distributed, paid, applied, disposed, or made use of: Which Discovery is in pursuance of an Act of this present Session of Parliament.

Delivered to *Francis Tyffon Esq;* several Tallies for }
10000 *l.* for the special Service of the Company,

l. *s.* *d.*

10000 00 00

To

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Interest and Allowance due for the said Tal- lies till the same was repaid me,	597	08	10
To Mr. <i>Richard Atton</i> , to defray the Expences of himself, and for his Friends soliciting to prevent a new Settlement of the <i>East-India</i> Company, and to endeavour the Establishment of the old,	10000	00	00
To <i>Ditto</i> , for Interest of the Money, and Grati- tude for his Pains, more,	2000	00	00
To Mr. <i>Nathaniel Molineux</i> Merchant, for him- self and Friends, in soliciting the Company's Af- fairs to prevent a new Charter, and establish the old, 310 Guinea's,	338	07	06
To Charges on the Salt-Petre, and for the Tal- lies and other Expences,	164	16	10
To <i>Francis Tyffon</i> Esq; for the Service of the Company,	250	00	00
To what I find by my Notes of <i>Memorandums</i> is charged to my self, 100 Guinea's,	109	03	04
To <i>John Chardin</i> , for several Expences and Ser- vices in the Company's Affairs,	220	00	00
To <i>Paul Docminique</i> Esq; for soliciting the Com- pany's Affairs, to prevent a new Company, and to establish the old,	350	00	00
To Captain <i>John Germain</i> , in consideration of Loss he had by the <i>East-India</i> Stock, and on his Promise to come into the Company's Interest, 350 Guinea's,	382	01	08
To Colonel <i>Fitz-Patrick</i> , for the Service done the Company by his Solicitations for a new Char- ter, 1000 Guinea's,	1091	13	04
To <i>Charles Bates</i> Esq; on the same Account, 500 Guinea's,	545	16	08
To Sir <i>Basil Firebrace</i> , in recompence of his Trouble in prosecuting the Company's Affairs, and in consideration of other Losses he had sustained by neglecting his own Business, and by not engaging himself with the Interloping Ships,	10000	00	00

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To the said Sir <i>Basil Firebrace</i> , for 50 <i>l. per cent.</i> } Loss on 10000 <i>l. Stock</i> , I was obliged to accept of him at 150 <i>l. per cent.</i> being on the Company's Ac- count,	5000	00	00
To <i>Ditto</i> , for a like Loss of 50 <i>per cent.</i> on } 9000 <i>l. Stock</i> ,	4500	00	00
To <i>Ditto</i> , for a like Loss of 50 <i>per cent.</i> on } 8000 <i>l. Stock</i> ,	4000	00	00
To <i>Ditto</i> , for a like Loss of 50 <i>per cent.</i> on } 7000 <i>l. Stock</i> ,	3500	00	00
To <i>Ditto</i> , for a like Loss of 50 <i>per cent.</i> on 6000 <i>l.</i> } <i>Stock</i> ,	3000	00	00
To <i>Ditto</i> , for a like Loss of 50 <i>per cent.</i> on 5000 <i>l.</i> } <i>Stock</i> ,	2500	00	00
To <i>Ditto</i> , for a like Loss of 50 <i>per cent.</i> on 4000 <i>l.</i> } <i>Stock</i> ,	2000	00	00
To <i>Ditto</i> , for a like Loss of 50 <i>per cent.</i> on 1000 <i>l.</i> } <i>Stock</i> ,	500	00	00
To <i>Ditto</i> , for a like Loss of 50 <i>per cent.</i> on 6000 <i>l.</i> } <i>Stock</i> ,	3000	00	00
To <i>Ditto</i> , for a like Loss of 50 <i>per cent.</i> on 4000 <i>l.</i> } <i>Stock</i> ,	2000	00	00
To the Attorney-General, for his great Trouble } and Pains about the Charters, and other Affairs re- lating to the Company, 500 Guinea's.	545	16	08
To the Solicitor-General, on the same Account, } 200 Guinea's,	218	06	08
To Mr. <i>Sambrook</i> , &c. for Charges in passing the } said Charters,	218	06	08
	<hr/>	<hr/>	<hr/>
	6703	1	18 02

Tho. Cooke.

The

The 23d of April 1693.

An Account of the Disposition of the 90000 *l.* mentioned in the said Bill, which was for *East-India* Stock, bought of several Persons for account of the *East-India* Company, as by the Particulars below appears, viz.

East-India Stock.

	<i>l.</i>	<i>s.</i>	<i>d.</i>		<i>l.</i>	<i>s.</i>	<i>d.</i>
Of Mr. Robert Marshal	4066	10	0	} which cost	3659	17	0
Of Ralph Marshal Esq;	2033	5	0		1829	18	6
Of Mr. Abraham Wilmer	5760	17	6		5184	15	9
Of Mr. John Blaker	1016	12	6		914	19	3
Of Mr. William Sheppard	6777	10	0		6099	15	0
Of Sir Salathiel Lovel	1016	12	6		914	19	3
Of Paul Docminique Esq;	1355	10	0		1219	19	0
Of Mr. John Dubois	2033	5	0		1829	18	6
Of Mr. Robert Lancashire	6777	10	0		6099	15	0
Of Mr. Vincent Sheppard	3388	15	0		3049	17	6
Of Mr. Francis Gosfright	3388	15	0		3049	17	6
Of Frederick Herne Esq;	5422	0	0		4879	16	0
Of Capt. Jonathan Andrews	677	15	0		609	19	6
Of Sir Tho. Grantham	1694	7	6		1524	18	9
Of John Perry Esq;	3388	15	0		3049	17	6
Of Mr. Richard Munford	4744	5	0		4269	16	6
Of Mr. Samuel Ongley	19654	15	0		17996	1	5
Of Rich. Mounteney Esq;	3300	0	0		2970	0	0
Of Mr. Gabriel Glover	5500	0	0		4950	0	0
Of Mr. Tho. Powell	17200	0	0		15695	0	0
	99197	0	0		89799	1	11

For Provision, &c. of the said 99197 *l.* Stock, only computed at 200 *l.* 18 *s.* 1 *d.* to make up the 90000 *l.*

200 18 1
90000 0 0

Thomas Cooke.

The Original being read by Sir *Tho. Cooke*, and the Committee conceiving it to be imperfect, and not such as the Act requires, they acquainted him that they expected a more particular Account of those Matters from him. Whereupon,

To the first Sum of 10000 *l.* mentioned in the said Writing, he saith, ' the same was paid to Mr. *Tysson* in November 1692.

' That he gave him no Directions how it should be disposed ; but it ' was in expectation to have the Charter of the *East-India* Company ' confirm'd, and new Regulations thereto made ; and they concluded ' it for the Service of the Company. It was intended for the Service ' of the *King*, but he could not say the *King* had it.

' He believes the *East-India* Company never had any Account how ' this 10000 *l.* was disposed : He told the Court, (as he remembers) ' that he had disposed of the Money, and they required no Account ' thereof.

' He believes Mr. *Tysson* told him, that he delivered it to Sir *Josiah* ' *Child*, who delivered it to the *King* : He saith 'tis a customary Pre- ' sent ; and that in King *Charles's*, and other former Reigns, the like ' had been done for several Years ; which by the Books of the Com- ' pany may appear.

' That the Company, when this Present was made, were in an ill ' Condition : That he himself advanc'd this Sum, and had it not re- ' paid in 4 or 5 Months time : the same, with the Interest thereupon ' due, was presented to the *King* in Tallies.

As to the 10000 and 2000 *l.* next mentioned in the Account ; he saith, ' those Sums were paid to Mr. *Richard Acton* about the same ' time ; who declared, he had several Friends capable of doing great Ser- ' vice to the Company's Affairs, and several of them would speak with ' Parliament-Men : that he could not particularize who they were, ' but the End aim'd at was to get an Act of Parliament.

' That he the said Sir *Tho. Cooke* offered to give the Company an ' Account how the Money was disposed of, but they did not think ' fit to receive it. And further saith, ' that he knows no Man be- ' sides Mr. *Acton*, who can give an Account who had that Mo- ' ney : That he entrusted this Money wholly with Mr. *Acton*, tak- ' ing him for an honest and able Man ; the Court having given him ' power, as he conceived, to dispose of the Money by another hand, ' as well as by his own. That the Inducements for giving this Mo- ' ney, were Fears of the *Interlopers* going out, and Subscriptions for

‘ a New Company going on ; by which they apprehended the Company would be ruined.

‘ That to the best of his remembrance, there was a Bill at that time for another *East-India* Company, and that the *King* had sent a Message to the House of Commons to settle the *East-India* Trade.

‘ That this 10000 *l.* was advanc’d by *Atton* himself, and not repaid him in some Months after : Which Money he believes *Atton* paid away the same Session. The other 2000 *l.* to *Atton* was for Interest, and his Pains, and Expences, which were great.

‘ *Atton* did say he could tell some Persons employed in that Affair, He did understand that this Money was to be laid out for promoting their Affairs in Parliament ; could not say to whom it was given, but understood it went no further than the House of Commons, and that he found no good fruit by such Distribution.

‘ That Mr. *Atton* at that time had an Interest in the *East-India* Company, to the value of 10 or 20000 *l.* as he believes, and had so for some time.

‘ That he gave this 10000 *l.* with the privity of Sir *Josiah Child*, who recommended *Atton* as a Person capable of doing the Company Service, having great Acquaintance with Parliament-Men, and others who had Interest with them.

‘ That he knows not who *Atton* employed in the Distribution of this Money.

As to the 338 *l.* 7 *s.* 6 *d.* mentioned to be paid to Mr. *Molineux* ; he saith, ‘ the same was paid him about the same time the Money was paid to Mr. *Atton* ; that Mr. *Molineux* told him this Money was to be disposed of to the Lord *Rivers* : But farther saith, ‘ that since his Confinement *Molineux* had been with him, to tell him that it was a wrong thing ; that my Lord never had it, that he had made use of it himself.

As to the further Sum of 250 *l.* mentioned in the said Paper, to be paid Mr. *Tysson*, for the Service of the Company ; he saith, It was paid him about the same time, and was in relation to *Salt-Petre* ; but he cannot give any farther Account thereof.

As to the 220 *l.* mentioned to be paid to Sir *John Chardin* ; he believes it was for his own use, having expended great Sums in the Company’s Service.

As to the 350 *l.* paid to Mr. *Docminique* ; he saith, He believes the same was expended by him, but he knows not to whom he gave it.

As

As to the 382 *l.* 1 *s.* 8 *d.* paid to Captain *Germain*; he saith, That
 ‘ Mr. *Germain* told him, he had lost 700 *l.* in the Interest of the *Interlo-*
 ‘ *pers*; who finding that Interest to decline, applied himself to him the
 ‘ said Sir *Tho. Cooke*; proposing, that if he might have half the Money
 ‘ which he had lost repaid him, *he would come into the East-India Com-*
 ‘ *pany's Interest*: Upon which Consideration, the said 382 *l.* 1 *s.* 8 *d.*
 ‘ was paid him.

As to the 1091 *l.* 13 *s.* 4 *d.* paid to Mr. *Fitz-Patrick* deceased; he
 saith, ‘ That *Fitz-Patrick* told him he had a great Interest with the Lord
 ‘ *Nottingham*; that he would try what he could do, and he did not
 ‘ doubt but he might accomplish great Services, provided he might
 ‘ have such a Sum of Money: but he believes the said *Fitz-Patrick* kept
 ‘ the Money himself.

‘ That there was a Promise of a farther Sum, if the intended Act of
 ‘ Parliament did not pass.

As to the 545 *l.* 16 *s.* 8 *d.* ‘ it was to be paid Mr. *Charles Bates* when
 ‘ the Charter was settled, and was paid accordingly in *Octob.* 1693.
 ‘ He himself had no Acquaintance with him; but Sir *Basil Firebrace*
 ‘ told him, *he had Acquaintance with several Lords, and named the Mar-*
 ‘ *quiss of Carmarthen, now DUKE OF LEEDS.*

As to the first 10000 *l.* paid to Sir *Basil Firebrace*, ‘ it was paid him
 ‘ about *November* 1693; and it was always his apprehension, that Sir
 ‘ *B. F.* kept it for himself, to recompense his Losses in the Interloping
 ‘ Trade.

As to the several other Sums, which compleat the farther Sum of
 30000 *l.* paid to Sir *Basil*; he saith, ‘ they were paid at one time, tho
 ‘ depending upon several Contracts.

‘ That it was agreed, in case the Charter pass’d, the Company should
 ‘ take 60000 *l.* Stock of Sir *Basil Firebrace* at 150 *l.* per cent. when the
 ‘ Charter was pass’d. He put this Stock upon the Company at 150 *l.*
 ‘ per cent. their Stock was then at 100 *l.* per cent. by which the Company
 ‘ lost 30000 *l.* He saith he never could tell to whom this Money was
 ‘ distributed; nor would Sir *B. F.* give him an Account of that Mat-
 ‘ ter, tho’ often ask’d by him to do it: And Sir *Basil* said if he were
 ‘ further press’d, he would have no more to do in it.

‘ That the Charter being pass’d, the Company paid the 30000 *l.*
 ‘ about *January* 1693, in recompence for the Fall of the Stock. The
 ‘ Company was also to transfer 40000 *l.* more Stock at 100 *l.* per
 ‘ cent. if an Act pass’d in 18 Months for confirming and enlarging
 ‘ their Charter; but the Act of Parliament not being pass’d, the
 ‘ Con-

Contract for that 40000 l. Stock became void.

Sir *Tho. Cooke* produced a Contract, dated the 19th of *Sept.* 1693, which was mentioned to be made in consideration of 300 Guinea's paid to him; which Consideration he declared he had not received.

He likewise produced another Contract, dated 25 *Octob.* 1692.

He saith there were several Contracts; some to the value of 60000 l. on account of procuring a New Charter; and others to the value of 40000 l. on account of procuring an Act of Parliament. They were all in Sir *B. Firebrace's* Name; one of each sort by him produced to shew the Nature of their Contracts.

He saith the 30000 l. was paid to Sir *Basil*, or his Order, upon ten several Contracts: It was paid in six several Sums, viz. 15 or 20000 l. and he thinks 10000 l. apiece, because no more than that Sum can be subscribed by one Person, to *Fowls* and *Wootton*; to Mr. *Edward Allen* 5000 l. to Mr. *Hornby* 5000 l. That the 30000 and 10000 l. were subscribed into the *East-India* Company; and he believes the Subscribers can give better Information as to these Sums.

He did not know but the Reason, why the 30000 l. was in ten several Contracts, might be because Sir *Basil* might have occasion to distribute it to several Persons.

As to the 90000 l. he saith that it was 990197 l. Stock, bought for 90000 l. of several Persons, for the use of the Company, to make good the Contracts with Sir *Basil*, if he should chuse to accept Stock.

That the Stock was transferr'd to several Persons to the Company's Use; that he was accountable for it, that they had his own Obligation for the same; part of which Stock was transferr'd to the Company, other part was sold to their Use, and they have the Money.

Upon the 24th of *April*, Mr. *Comptroller* reported this Examination to the House of *Commons*; whereupon Debates arose about the same, and

[A] informed the House, that the Earl of *Rivers* protested he never had a Penny; and tho' he was now of another House, he had the same Esteem and Honour for this House as heretofore; and that he had moved the House of *Lords*, and they had sent for *Molineux*.

[B] observed, that as to all the *little Sums*, Sir *Tho. Cooke* knows well to whom they were given ; but he could never learn to whom Sir *B. Firebrace* distributed the Monies he received : for Sir *Basil* would not give him an Account of that Matter, tho' often ask'd by him to do it ; *Acton* would have told him, and he would not hear him : So between these two we are sawn. You have it among you Gentlemen.

[C] observes Sir *Tho. Cooke's* long Preamble. He had inspected his Papers, and had reduced his Account into Writing, and delivered in that Paper : Yet we find *nothing but Generals* ; not one Date, not one Time, &c. Hereupon he was examined by the Committee ; and with great Difficulty what you have, was drawn from him.

As to the first 10000 *l.* we have but an Hearsay : Mr. *Tysson* told him he gave it to Sir *Josiah Child*, who told him he gave it to the King.

As to the second 10000 *l.* to Mr. *Acton*, he proffered to tell him the Particulars, and he was unwilling to hear him ; but did not doubt but *Acton* would give a particular and satisfactory Account of all distributed by him : And yet, in the same moment, being ask'd where, and in what Condition this *Acton* was ; he declared he was a distracted Man, and not able to give you any Account at all.

As to the 40000 *l.* to Sir *Basil F.* he believes he kept 10000 *l.* to his own Use ; and for the rest, refused to tell him to whom, or for what, or when it was issued.

He mentions Contracts to the value of 60000 *l.* on account of procuring a *New Charter*, and also 40000 *l.* for an Act of Parliament.

They were not *Fools*, but they parted with Money very easily ; their *Proprietors* are little beholden to them.

[D] says no Man is innocent, if every Man be guilty : We cannot be innocent if we do not lay our Hands on these Men, that have betrayed us and the Company, and I hope themselves. Let us go as far as we can, and then we shall not be in fault : Moves that *Firebrace* and *Acton* be ordered to attend the next Day.

[E] seconds the Motion, and moves that they forget not a Member of their own, who is accused for receiving a considerable Sum.

After this there came a Message from the Lords, desiring a Conference ; which was had : And there the Lords acquainted the House of Commons, that they had Intimation that Sir *Basil Firebrace* is near at hand, and will appear ; and that their Lordships are of opinion, that all future Examinations of any of the Persons mentioned in the Report

port of Sir *Tho. Cooke's Account*, he had before a Committee of both Houses, and that their Committee shall be the same it was last.

Thereupon the House of Commons resolved that the Members who were of the Committee for the Examination of Sir *Tho. Cooke*, shall be their Committee for Examination of the Persons mentioned in the Report of Sir *Tho. Cooke's Account*, and that they have Power to send for Persons, Books and Papers.

Wednesday, 24 April 1695.

In the Exchequer-Chamber :

At a Committee of both Houses appointed for the Examination of several Persons touching the Receipt and Distribution of Monies mentioned in a late Act, intituled, *An Act to indemnify Sir Tho. Cooke, &c.*

Sir *Basil Firebrace* being interrogated touching his Receipt of 10000 and of 30000 *l.* (charged on him by Sir *Tho. Cooke*) and also touching the Distribution thereof ;

Deposeth, That the said Sum of 10000 *l.* was given as a Gratuity to him by the said Sir *Tho. Cooke*, for his Losses ; of which he had given Sir *Tho. Cooke* a satisfactory Account that he received the 10000 *l.* some time before the Charter for the *East-India Company* passed.

That the said Sum of 30000 *l.* was received by him by virtue of a Contract with Sir *Tho. Cooke* ; it was for Favours and Services done.

That the Stock at the time of the Contract, valued at 150 *l. per cent.* falling afterwards to 100 *l. per cent.* the difference was 30000 *l.* which they made up to him.

That the Reason of the fall of the Stock was the Ships not coming in ; and if that had not hapned, he the Deponent had gained as much as the 30000 *l.* paid him.

That he is positive the 10000 and 30000 *l.* were directly for himself, and for the use of no other Person whatsoever.

That he paid no part of the same towards procuring a Charter, or Act of Parliament, nor made any Promise so to do.

That he had several Discourses with Sir *Tho. Cooke* about using his (the Deponent's) Endeavours to procure a *New Charter*, for that it was his Interest so to do, after the Contracts were made.

F

That

That he did use all his Interest to prevail with the *Interlopers* to forbear Prosecution, and that he did endeavour all he could to improve the Company's Stock ; and made it in his Bargain, that the Company should submit to Regulations in their Charter.

He believes that Sir *Tho. Cooke* might desire him to acquaint him, how he disposed of the Money ; but that he (the Deponent) told him it was not fair, 'twas contrary to their Agreement ; he was not to ask him, the Deponent, what he did with his own.

That in some of the Contracts the Consideration, or *Premium*, (mentioned therein) was paid, and refers to the Contracts ; that in some of them 5 *l. per cent.* in others five Shillings, is the *Premium* mentioned.

That in the Contract, 15 *Septemb.* 1693, the 300 Guinea's were paid by a Note which Sir *Tho. Cooke* kept some time ; and afterwards did deliver up to the Deponent, without having received any Money from this Deponent.

Being asked what particular Service he did, or was to do for procuring a New Charter ;

Saith, That he wish'd he might answer to that at some other time, being not well, not having slept two or three Nights, and much indisposed as to his Health.

That he was unwilling to take too much upon himself, he thought he did great Service to the Company in Solicitation, and other Services ; he knew not of any Money or Stock given to any Person whatever for procuring a Charter.

Being asked, whether the 30000 *l.* or the value of 30000 *l.* was wholly for himself, and was not disposed to any other Person ;

Saith, That no part of it was to any other Person but to himself, except one 500 *l.* paid to Mr. *Powell*, whose Christian Name he did not remember ; but saith, he lives at *Tbanet-House* : That he was not sure whether he paid that out of this or his own.

It was paid to *Powell* because he had good Interest among the *Interlopers*, and was instrumental in reconciling Differences.

Die Jovis 25^o Aprilis 1695.

In the Exchequer-Chamber.

At a Committee of both Houses appointed for the Examination of several Persons touching the Receipts of Monies contained in a late Act, and touching the Distribution thereof ;

Mr.

Mr. *Hornby* Goldsmith, exhibiteth to the Committee an Extract of Sir *Basil Firebrace's* Account ; which being examined, and compared by the Committee, was signed by him, (but in regard of the great Length thereof, and for that it no way tends to the Discovery of the Matters enquired about, the Reader is not here troubled therewith.)

He deposeth, That at the time when *he* subscribed 10000 *l.* into the *East-India* Company's Stock, he had Sir *Basil Firebrace's* Word for his Security, in case the Stock fell, to have 5000 *l.* Part thereof repaid him, if he, this Deponent should desire it at the end of that Year.

That he did call for his Money at that time, and took the *East-India* Company's Bonds for it, payable in *March* ; at which time a Sale commenced, and he having his Money then paid, he transferr'd it to the Secretary of the *East-India* Company.

To the other 5000 *l.* part of his said Subscription ; he saith, That he had no Conditions from Sir *Basil Firebrace* for that, having subscribed before he knew such Terms were to be had.

That he knows not whether Sir *Basil Firebrace* made such Terms with others or not ; but hath heard he did the same with Mr. *Fowles*.

Mr. *Fowles* exhibited an Extract of Sir *Basil Firebrace's* Account, examined as aforesaid, and signed by him ; but for the Reason before assigned, it is not here inserted.

He deposeth, That he cannot remember the Names of any Members of Parliament to whom any Money was paid, : by Sir *Basil Firebrace's* Order.

That he never keeps any private Notes, or *Memorandums* of Persons Names to whom he pays Monies ; and hath no other Accounts (as to that Matter) but what are in his Books.

Sir *Basil Firebrace* having desired Leave to be called in, further deposeth ;

That having had a Treaty with Mr. *Bates*, whom he thought able to do Service in passing the Charter, and to have Acquaintance with several Persons of Honour, he, this Deponent, gave two Notes for 5500 Guinea's to Mr. *Atwell*, payable to Mr. *Bates* or Bearer.

That one Note was for 3000 *l.* and the other for 2500 *l.*

That he, this Deponent, did put the Notes into Mr. *Bates's* hands ; who told this Deponent, that he would deal with him for himself ;

and if the Business were done he would keep the Notes, else deliver them again.

That the 2500 Guinea's were paid after the *Charter* for restoring the *East-India-Company* passed ; the other for 3000 Guinea's after the *Charter for Regulation* passed.

That he had these Notes from Sir *Thomas Cooke*, and was accountable to him for the same, which he put into Mr. *Bates's* Hands.

That the said Sir *Thomas Cooke* did know, as this Deponent verily believes, how these Notes were to be disposed of: And further saith, he told Sir *Thomas Cooke* that Mr. *Bates* had Acquaintance with several *Lords*, naming the LORD PRESIDENT and others.

That he this Deponent could not tell who this Money was designed for, or what *Bates* did with it; for that *Bates* would not deal on such Terms of telling Names.

That *Bates* did introduce him this Deponent several times to the Lord President, who made some Scruples in point of Law: Upon which this Deponent desired his Leave that the Attorney General might wait upon him, and he accordingly brought him.

That he doth not remember any other Lord to whom *Bates* introduced him.

He saith, that one Day last Week the 5000 Guinea's were offered by *Bates* back again to him, who said, that this might make a Noise: That if Sir *Thomas Cooke* thought it too much, he would give it him again: and that on Tuesday last 4400 Guinea's, being the Value of 5500 l. was brought to this Deponent.

That the other 500 Guinea's are still in *Bates's* Hands.

That Sir *Thomas Cooke* did scruple to take back this Money at first, but afterwards did consent to it, the Morning when he was brought up before this Committee: whereupon this Deponent gave him *Fowle's* Note for the Money, payable to Mr. *Atwell* or the Bearer. And this Deponent believes the said Sir *Thomas Cooke* had a double Account, the one was made up with this Sum, the other without it.

He further saith, that *Bates* would have paid back the whole, but Sir *Thomas Cooke* said the Account would not be even if the 500 Guinea's were brought into that Account.

That this was no part of the 40000 l. before-mentioned in this Deponent's Examination, and paid to him this Deponent; which 40000 l. this Deponent saith was wholly his own; that he always took care to have it particularly understood that it was for his own Use and Benefit. The same was declared before Witnesses.

That

That they found great Stops in the Business of the Charter, they apprehended it proceeded sometimes from my Lord Nottingham, sometimes from others.

That Colonel Fitz-Patrick received 1000 Guinea's on the same Terms as was with others, if the Charter passed. He pretended great Interest with my Lord Nottingham, and that he could get Information from the Lady Derby how the Queen's Pleasure was. Colonel Fitz-Patrick said he would try to prevail with the Lord Nottingham for 5000 Guinea's upon passing the Charter, and 5000 l. on the Act of Parliament, but the Lord Nottingham refused to take it. He heard a Note (signed by Sir Josiah Child and Sir Thomas Cooke) for 50000 l. was lodged in Tysson's Hands, for about a Year, to be paid in case the Act passed; and that it was refused (as he understood) by my Lord Portland: That Tysson told him he had made an Offer, and it was rejected: That Tysson told him this lately.

That 1000 Guinea's were entered in the East-India-Company's Books, and were to be paid to Mr. Ward and Mr. Fawcener, who are of the Interloping Interest, and made great Opposition to the Charter. Mr. Ward said if he had 1000 Guinea's he would bring over others to the Company's Interest: These 1000 Guinea's were to be paid on Arrival of the Ship Seymour.

That Sir William Pritchard and Dr. Ratcliffe did accept some East-India-Stock, but on the same Terms as any Merchant might have done, and they paid their Money for it.

Richard Acton deposeth, That he received of Sir Thomas Cooke the Sums of 10000 l. and 2000 l. That he this Deponent did tell Sir Thomas Cooke, he had Friends who would take Pains to do the Company Service, but they would have 10000 l.

That Sir Thomas Cooke agreed 10000 l. should be given; whereupon this Deponent advanced that Sum. This Deponent had 2000 l. for his Pains and Trouble in attending two Sessions. If the Bill for a new Company had passed, this Deponent was to have had nothing.

That he verily believes he gave Sir Thomas Cooke an Account to whom he distributed it, or else he thinks the Money had not been trusted to him.

That he did not distribute it to Members, but to those who had Interest with Members.

Some of them to whom he gave Money to be distributed were Mr. Craggs, with whom this Deponent was concerned in clothing the Army, (who had Acquaintance with Colonels in the House, and some Nor-

thern

thern Members. Mr. Wallis, Mr. Ridley, Mr. Docminicque. Mr. Goldwell (who is since dead) was the only Man which he himself gave Money to.

That if he had a little time to peruse his Papers, he could recollect further. He then delivered in the following Account :

Mr. ACTON's Account.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To Mr. James Craggs, _____	4540	00	00
To Colonel Goldwel, [a Member, dead] _____	1000	00	00
To Mr. Cupper, _____	103	00	00
To Mr. James Cresset, _____	200	00	00
To Mr. Killigrew, _____	50	00	00
To Colonel Dean, [a Member, dead] _____	50	00	00
To Mr. Thomas Lloyd, _____	350	00	00
To Mr. Edward Ridley, _____	500	00	00
To Mr. Thomas Pullen, _____	50	00	00
To Col. Philip Darcy, _____	300	00	00
To Mr. Edward Roberts, _____	200	00	00
To Mr. Paul Docminicque, _____	500	00	00
To Colonel Vaughan, _____	150	00	00
To Expences in two Sessions, _____	1300	00	00
To my self for advancing Money, and Interest, } and Gratuity, _____ }	2000	00	00

In all 11293 00 00

[It may be remark'd upon Mr. Acton's Account, and the Examinations of all others concern'd in the Distribution of vast Sums of Money for the East-India-Company, that not one Member of the House of Commons is charged with a Penny save Colonel Goldwel and Colonel Deane, of whom the one got but the poor scandalous Sum of 50*l.* the other 1000*l.* and these Gentlemen were both dead. But,

The City and Chamberlain of London dealt very candidly, they frankly detected two living Mercenary Members, Sir John Trevor and Mr. Hungerford, who were expelled the House for taking Moneys upon the score of the Orphans Bill.

The Electors of Members of Parliament may do well to be cautioned by these corrupt Practices, to weigh well upon whom they cast their Votes upon future Elections; and that is particularly recommended to Colonel Goldwel's late Masters of the Corporation of St. Edmunds-Bury in Suffolk.]

Natha-

Nathaniel Powell deposeth, That he was very Instrumental in causing a good understanding between *Sir Thomas Cooke* and the *Interlopers*.

That he concerted how to bring about Meetings between *Sir Thomas Cooke* and *Sir Basil Firebrace*, who had been of a different Interest.

That *Sir Basil* made some Terms with *Sir Thomas Cooke*, upon which a *Charter* was to be had.

That he perceived by *Sir Basil Firebrace* there was some Difficulty in the Matter. *Sir Thomas Cooke* insisted to know what *Sir Basil Firebrace* did with the Money, which *Sir Basil* refused to let him know.

That he always withdrew at their Meetings, his Business being only to go on Errands to procure Meetings: and that one Day he this Deponent asking *Sir Basil Firebrace*, whether he intended to make a Porter of him; *Sir Basil* gave him his Word that he should have 500 *Guinea's*, and that about two Months since he did receive 530 *l.* tho the Promise was to have it paid upon passing the *Charter*.

That he hath bought 10 or 15000 *l.* Stock at one time of *Sir Thomas Cooke*. He never took it to be the *East-India-Company's*, but *Sir Thomas Cooke's* proper Stock; and had his Contract for the Repayment of it in six Months, if desired: He generally had it repaid. If any Loss was, he always look'd upon it as *Sir Thomas Cooke's*, and not the Company's Loss.

Die Veneris, 26 Aprilis, 1695.

Exchequer-Chamber,

At the Committee of both Houses.

MR. *Wootton* exhibited a particular Extract relating to *Sir Basil Firebrace's* Account, taken out of his Cash-Book, which was the same which *Mr. Fowle* had before exhibited.

Mr. Bates had been summon'd to appear the preceding Day, and was seen going through *Westminster Hall* between 5 and 6 at Night, yet could not be found, though the Lords sent Messengers to look for him: Upon which their Lordships order'd him to be taken into Custody; and being now sworn and examined, he deposeth, That *Sir Basil Firebrace* did apply himself to him to use his Interest for obtaining a Charter for the *East-India-Company*, the old Charter being forfeited, and told him this Deponent they would be very grateful for it, but cannot remember that any particular Sum was named.

That

That *he* this Deponent *did use his Interest with the Lord President, who said, he would do what Service he could:* And further saith, that the Lord President had deliver'd his Opinion publicly for confirming the Charter, and thought the Forfeiture an Hardship.

That the Lord President had often shewed himself *his Friend.*

That he received three Notes for 5500 Guinea's in the whole: That *he sent a Servant to receive the Money, but can't say the time:* That he told the Lord President what Sum he had, and *would have passed it upon my Lord, but he refused it.* Whereupon this Deponent, in regard he could not very well tell Money himself, *did ask leave of my Lord that his Servant might tell the Money.* To which my Lord answered, *He gave leave;* and accordingly Monsieur Robart *did receive the Money.*

That he had not the Notes till after one Charter pass'd; but he saith, that the Notes were given altogether at one time, and that *he* this Deponent *gave no Counter-notes* when he received them; but afterwards he being examined to the same Matter, was not positive that Counter-notes were not given: That he thinks when he had the first Treaty with Sir Basil Firebrace, that Sir Basil *did say he* this Deponent *should have a Sum, and thinks he named a particular Sum.*

That 500 Guinea's were received before June last, and the other five thousand Guinea's afterwards.

That the said Notes were not out of his Possession from the time that he first had them, to the time he gave them to Monsieur Robart to receive the Money; who, after he had received it, brought the same to him, which *hath remained in his the Deponent's Possession in his own House, till he paid 4400 Guinea's thereof back again to Sir Basil,* which, as he takes it, was upon Monday or Tuesday last. And being examined again to the same Matter, saith,

That *these 4400 Guinea's paid back to Sir Basil, were in four Bags, with eleven hundred Guinea's in each, brought to him by Robart, within a Month last past.* As to the 600 Guinea's remaining of the 5000, he at first said *he had spent the same;* and being afterwards examined to the same Matter, did say, *they were at home in his Study;* but he may have spent some.

The Reason why he paid back the 4400 Guinea's was the Noise that it made, and that People may think that he did not deserve them.

That the whole 5500 Guinea's were for his own private Use, and that he might have given them to his Footman.

Sir

Sir Basil Firebrace depofeth, That the *East-India-Company's* Charter being forfeited, Sir *Thomas Cooke* and others applied themselves to him, observing him active, and to have *Interest among Noble-men*, to endeavour the procuring a new Charter. That Sir *Thomas Cooke* was apprehensive that it stuck with the Duke of Leeds, and told him this Deponent, that some way must be found out to the Duke. He thereupon applied himself to Mr. *Bates*, who would not pretend to talk with the Duke; but said, he the Deponent must tell him what the Company would do. That he told Mr. *Bates* he thought a Present might be made of 2 or 3000*l.* That Mr. *Bates* told him he went to St. James's, and said, he had spoke with his Friend; and that more had been offered by the other side: At another time he said more was offered by one side; and at last said, that 5000*l.* had been offered by another Hand on the same side: Upon which he this Deponent did not come up to the Market. That he acquainted Sir *Thomas Cooke* with this Proposal, who said, if it was insisted on it must be done; and so it was agreed to offer 5000 Guinea's. *Bates* then said, this was nothing to him, he ought not to be employed for nothing. So this Deponent was forced to go back to Sir *Thomas Cooke* for new Orders; and so 500 Guinea's were given to him besides. That at first *Bates* said, he would undertake no further than that the Duke should not oppose, but be silent, because he did not know but the Duke had engaged himself by having spoke on the other side. That he this Deponent did except against this, because he would not let the Company's Money go for nothing; and it would reflect upon him if nothing appear'd to be done for it.

It was then agreed, that if the DUKE did act in favour of the Company, he should have 2 and 3000 Guinea's, and BATES 500 GUINEA'S TO HIMSELF. He this Deponent would have put off his 500 Guinea's to the last, to ingage him to take the more Pains; but *Bates* said his Friend would have him have the 500 Guinea's to himself first.

Sir Basil produced a Copy of Mr. *Bates's* Receipt of a Note for 3000 Guinea's, which he thereby promised not to call for till the Charter should pass: The Original Mr. *Bates* had back when the Money was paid, and he this Deponent had not taken a Copy of the Counter-note for 2500 Guinea's.

April the 26th, 1695.

The Copy of the Receipt then produced by Sir Basil Firebrace.

‘ I Charles Bates of Westminster Esq; do hereby acknowledg to have
 ‘ received of Sir Thomas Cooke of London, Kt. one Note signed by
 ‘ William Atwell for himself and Company, dated the 8th Instant,
 ‘ and payable to my self for 3000 Guinea’s, which I promise not to
 ‘ receive or alter the Property of, till such time as the Charter now
 ‘ depending before their Majesties, for making of Regulations, Al-
 ‘ terations, and Additions, to the Charter and Stock of the present
 ‘ East-India-Company, shall pass the Great Seal of England: And in
 ‘ case the said Charter shall not pass the Great Seal on or before the
 ‘ 25th Day of March next, I do hereby for my self, my Executors
 ‘ and Administrators, covenant and agree to and with the said Sir
 ‘ Thomas Cooke, his Executors and Administrators, to restore and
 ‘ return the above-mentioned Note, in the same manner I received
 ‘ the same: But if the said Charter shall pass the great Seal on or be-
 ‘ fore the Day above-named, then the Money mentioned in the said
 ‘ Note to remain to me without farther Account for the same.
 ‘ Witness my Hand this ninth Day of September, 1693.

Witness

B. F.

Charles Bates.

The Deponent further saith, That after the first Charter was passed in October, he sent to Mr. Bates that he might call for the Money, and he did call for it in 2 or 3 Days: That the other Note was paid in a Week after the passing the second Charter. *From the time the Notes were given they had free Access to my Lord President, and found him easy and willing to give us his Assistance.*

That Mr. Bates was shy, and called it his Friend at St. James’s: That the Condition of one Draught, which Mr. Bates brought, was worded, *in case the Lord President did not assist the Company in passing the Charter; to which this Deponent made an Alteration, by putting out my Lord’s Name, and making it not payable in case the Charter should not pass, or to that Effect, Bates said it came from his Friend at St. James’s.*

That

That about a Week before the Money was brought back again, this Deponent went to Bates about it, who then told him, *it was all for himself.*

That on Sunday Night last, or Monday, Bates being at his own House, said, *he had not the Money by him, but he would fetch it; and that the Money he thought was in Silver:* but afterwards told this Deponent it was only a Mistake, and had brought it in Gold, which by computation came to the same Sum.

That when this Deponent told him that Sir Thomas Cooke would not take the whole back, Bates said, *HE COULD GIVE NO ANSWER TO IT TILL HE HAD SPOKE WITH HIS FRIEND.*

This Deponent saith, That on Monday last 500 Guinea's were left at his House by Mr. Clive, a Friend of Sir JOHN TREVOR's, who said, he brought it from Sir John Trevor, to whom Sir Thomas Cooke had before paid it with his own Hands, under colour of an Arrear for four or five Years, as he had been Commissioner of the Great Seal; and that he this Deponent was present when Sir Thomas Cooke gave it: and there was at another time 200 Guinea's ordered to be given to him the said Sir John Trevor as a New-Year's-Gift, by Sir Joseph Herne.

That as to 20000 of the 30000 l. before-mentioned, the same Sums were not actually paid till since Lady-day. And as to the other 10000 l. he hath it now in Stock in the East-India-Company.

That as to 5000 l. part of the said 30000 l. he did *design one third thereof to Sir EDWARD SEYMOUR, one third to Sir John Trevor, and one third to Mr. Guy.*

That he offered the same to them by Mr. Guy: But Mr. Guy told him this Deponent, *they did not desire to meddle with the Stock*, but would do any Service they could to promote getting the Charter. And Sir Edward Seymour afterwards meeting him this Deponent, chid him for making that Proposal, and told him, if he made any more such Profers, he would never have any thing more to do with him.

That he this Deponent did tell Mr. Guy, *that the Advantage to them in passing the Charter and Act of Parliament would be worth 10000 l. among them.*

That he this Deponent did intend a Distribution of all the 30000 l. in manner following, *viz.*

To Sir Edward Seymour, Sir John Trevor, and Mr. Guy, 10000 l. in case the Charter and Act of Parliament passed. To the Merchants Interlopers 10000 l. and to himself 10000 l.

That he this Deponent thought himself obliged in Honour to pay two thirds of the 5000*l.* when received, to Sir *John Trevor* and Mr. *Guy*: the other third which he intended for Sir *Edward Seymour* he kept for himself. That Sir *John Trevor* did some time afterwards give this Deponent some hints of his Expectation.

Sir *Josiah Child* being examined, said, he never disposed of 10*l.* of the Company's to his Remembrance; always affecting Ignorance in that Matter. Said, he did recommend Mr. *Atton*, as being an honest Man, and thought he might do Service to the Company in Parliament, because of his Acquaintance: That he did recommend it that a Present of 50000*l.* should be made to the King if his Majesty would so far wave his Prerogative, that an Act of Parliament might be passed for settling the Company; but Mr. *Tysson* told him, *the King would not meddle in that Matter.*

That he knew nothing of the 40000*l.* paid to Sir *Basil Firebrace*: says, there was a kind of a Committee of 25 Persons that sat *de die in diem*, to destroy the Company; and he told Sir *Thomas Cooke* that he thought Sir *Basil* the fittest Person to divide them.

Mr. *Atwell* produced his Cash-Books, by which it appeareth that,

	<i>l.</i>	<i>s.</i>	<i>s.</i>
October 9, 1693. Mr. <i>Bates</i> had received ———	545	06	03
October 10, —————	2181	05	00
November 16, —————	3275	00	00

And said, the Money was paid by Order of Sir *Thomas Cooke*.

Mr. *Bates* being again examined, said, he believed the Money might be paid as the Books expressed. And further owned, *that he had not 4400 Guinea's in his House on Sunday Night last*, but that the 4400 Guinea's which he paid back to Sir *Basil Firebrace* were brought to him by Monsieur *ROBART* on Tuesday Morning last 8 a Clock.

Mr. *Tysson* being examined, said, That Sir *Thomas Cooke* and Sir *Josiah Child* gave him a Note under their Hands for 50000*l.* which was intended to be presented to the King, if his Majesty would pass an Act of Parliament as they should desire.

That he acquainted the Lord *PORTLAND* of the Company's Intention to make such a Present, who told this Deponent that the King would not meddle with it. And,

Being ask'd whether he had offered the same to the Lord *Portland*, he denied he had so done, saying, *if he had, he must never have seen his Face more.*

He faith that when he was Examined before the House of Commons, he did not take it that the 10000 *l.* given to his Majesty was included in the Sum charged upon Sir *Tho. Cooke*, being before the Date of any Order for that Money.

Mr. *Craggs* being examined gave in an Account how he had disposed and applied 4540 *l.* with which he was charged by Mr. *Acton*, which Account is under-mentioned ; and he denied that he ever paid any Money to any Members of Parliament.

An Account of the Disposal of 4540 l. which I received of Mr. Acton, which was distributed in the manner following :

To Mr. <i>Wallis</i> for his Solicitation and Encourage- ment to engage in the Company's Stock and Inter- est: —————	} l. s. d. 1150 0 0
To Mr. <i>Chudleigh</i> for his Pains and Solicitations. ———	100 0 0
To Mr. <i>Ridly</i> , which was all or the greatest Part gi- ven to Mr. <i>Ferguson</i> to the best of my remembrance. —	} 104 0 0
To Mr. <i>Darcy</i> 50 Guineas in part for his soliciting and application in the Company's Affairs. —————	} 54 0 0
To Mr. <i>Roberts</i> in part for the same. —————	54 0 0
More in Expences for the Year 1692. —————	390 0 0
More in Expences for the Year 1693. —————	460 0 0
More in Expences for the Year 1694. —————	410 0 0
More for Encouragement of my Friends and self to subscribe 7000 <i>l.</i> —————	} 350 0 0
More for my own Pains and Solicitations to prevent a new Settlement, and endeavouring to establish the old <i>East-India Company</i> . —————	} 1468 0 0
In all 4540 0 0	

James Craggs.

Mr. Comptroller upon Saturday the 27th of *April* made a Report from the Committee of both Houses of the said Examinations by them taken ; which being read, after the reading the same, the following Debates arose.

[B] stood up and said, " Mr. Speaker I conceive there is a Necessity to search this Matter to the Bottom. The House has a Thread " in

“ in their Hands, they ought to provide Laws for the future to prevent the Members of this House taking Money. All imaginable Endeavours have been used to stifle all Discoveries. 10000*l.* has been pretended to be given to the *King*. 50000*l.* offered to buy an Act of *Parliament* or gain their Charter. The Facts prove themselves, and Mr. *Bates* appears an unfortunate Person, whom the Care of his Friend [*the Duke of Leeds*] and the Sense of his Oath have caused to make such Contradictions.

“ I move that the House would put the Matter in such a Method as becomes their Justice, and as the shortness of their time will allow.

“ [*D*] Mr. Speaker, I do fully agree with the Worthy Person near me, that there never were greater and more general Instances of *Corruption*, and Necessity of speedy Remedy. That it is very fit this House should let the World see, that they are in earnest.

“ I ask leave to put you in mind what Practice and Arts have been used to stifle and stop your Discovery, so that what you have is, as it were, by the utmost Force and Constraint. You cannot wonder at it, when you now find so great a Man at the Bottom; but *there is no Person in a Post so high, that this House cannot reach; no Man's Practice or Art so deep, that this House cannot discover.*

“ Here have been all imaginable Endeavours used to obstruct this Enquiry. First, his *Majesty's* Name was made use of at the Committees, with Hopes, perhaps, that that might stop any farther Enquiry; and if it were made use of there, you may reasonably expect it was made use of elsewhere: but that appeared to be so far from being a Matter of Reflection on the *King*, that Sir *Josiah Child* often complained of it, as a Rudeness to his *Majesty*, that what other *Kings* had yearly as a Present, they had not offered to his *Majesty* in three Years: It was indeed, if not a Matter of Right, a Matter of Custom.

“ Then a *Noble Lord*, who may be named for his Honour upon this occasion, the Earl of *Portland*, he when the great Sum of 50000*l.* was press'd upon him, did absolutely refuse it, and told them he would for ever be their Enemy and Opposer, if they offered any such thing to him.

“ I having thus mentioned the Innocent, I must say somewhat of the Guilty. A stop having been put, the *DUKE of LEEDS* must be applied to; Certainly *there never was a more notorious Bribery*, and that in a Person whom we might have expected to have
“ been

“ been free from such a *Crime*, whether if you respect the Greatness
 “ of his Place, or of HIS FORMER OBLIGATION. It is fit to speak
 “ plainly on such occasions, the House ought to endeavour to re-
 “ move such a Person from the *King's Council and Presence*. *What*
 “ *Security can the Nation have, when we are bought and sold to one ano-*
 “ *ther?* We have seen our Designs defeated, our Attempts betrayed,
 “ and what Wonder is it? *Can any Man think it more strange that our*
 “ *Counsels should be sold abroad, than that Charters should be sold at*
 “ *Home?* Certainly a Man may reasonably believe, that he who will
 “ sell the Subjects will sell the Kingdom if he can have a sufficient Bribe.
 “ What Prince can be safe in such Counsels which are given for pri-
 “ vate Advantage?

Concluded,

“ That several Proposals for Remedy may be here offered. One
 “ that this House should *address his Majesty to remove the Duke of Leeds;*
 “ but with submission, an Address is too mean, too low a thing for
 “ the House to do at this time, and upon such an occasion; I there-
 “ fore move we may lodg AN IMPEACHMENT.

That Tho. D. of Leeds, Lord President of his Majesty's Council, be impeached by this House.

Or thus,

That Tho. Duke of Leeds be impeached by this House of high Crimes and Misdemeanours, and particularly of Corruption in taking a Bribe of 5000 Guineas to obtain a Charter and Regulation for the East-India Company.

[E] says, “ I wonder the Gentleman who spoke last should say that
 “ which I hope he did not believe, that that Lord should have sold our
 “ Counsels to France.

[D] rose and said, “ It is with some uneasiness I stand up, but that
 “ Gentleman forces me to it, for I do not take Pleasure to rake in a Dung-
 “ bil. I was far from saying any such thing, but argued only from
 “ Possibility; that it was as reasonable to believe one as the other.
 “ That when Honour and Justice were not the Rule of Mens Actions, there
 “ was nothing incredible that might be for their Advantage.

“ [F] seconds and agrees in the Motion for an Impeachment.

“ [G] says that God alone, who can produce Light out of Dark-
 “ ness, can fully discover the dark Practices in this Affair. That
 “ such Actions as these are a Blemish, if not a Scandal to the Revolution
 “ it self; I agree in the Motion for an Impeachment.

The Question proposed, viz.

That

That Tho. Duke of Leeds, President of his Majesties Council, be impeached by all the Commons of England, of high Crimes and Misdemeanours.

[I] thereupon demanded, "by what Law is it a Crime to take Money at Court ?

[K] answered ; "If there be not a Law, it is time there should be a Law to prevent it.

[L] says, "The Law of God is against him, and broke by him. He took an Oath as a Privy-Counsellor. Justice is not to be sold by the Common Law. But there are Parliaments to punish such Crimes, and 'tis hoped there will be still.

[M] says, "It seems doubtful whether there be Matter in this Report for an Impeachment ; therefore before the House goes to an Impeachment, they ought to put the Question upon the Report, and see whether it be a Crime.

[N] objects, *There is no Law, so no Transgression.*

Upon the Debate the Question was alter'd to,

It appears to this House, that there is in the Report now made from the Committee of both Houses sufficient Matter to impeach Thomas Duke of Leeds, Lord President of his Majesty's Council, of high Crimes and Misdemeanours.

O, P, Q, R, all moved for excusing.

After these Debates it was resolved by the House as follows, viz.

Resolved, *That there does appear to this House upon the Report from the Committee of both Houses, appointed to examine the Persons mentioned in the Report of Sir Tho. Cooke's Account, that there is sufficient Matter to impeach Thomas Duke of Leeds, President of his Majesty's most Honourable Privy Council, of high Crimes and Misdemeanours.*

Resolved, *That Tho. Duke of Leeds, President, &c. be impeached of high Crimes and Misdemeanours.* Hereupon,

The House ordered Mr. Comptroller to go up to the Lords, and at their Bar, in the Name of the House, and of all the Commons of England, impeach Tho. D. of Leeds of high Crimes and Misdemeanours ; and acquaint them that this House will in due time exhibit particular Articles against him and make good the same.

[S] informed the House of Commons that the D. of Leeds was at the Door, and desired to be admitted into the House to be heard, and he was admitted, and a Chair placed for him within the Bar. And,

Mr. Speaker told him that the House being inform'd that his Grace desired to be heard, were ready to hear him, and that there was a Chair that his Grace might repose himself, and signified to him that he might please to be covered.

The

The Duke thereupon sat down, put on his Hat, then rose, uncovered himself and said,

‘ Mr. *Speaker*, and *Gentlemen* of this House, in the first Place I thank you heartily for this Favour of hearing me.

He then proceeded, declaring ‘ his Innocence, and that he had attended sooner it he had had the least Intimation what the House was upon : He wished the Dispatch thereof had not been so quick. ‘ That the Occasion of his coming, was from the two Votes upon the Report from the Committee of both Houses : That he had done all he could to be informed of the Particulars, but could not, nor had any Notes. That finding himself concern’d, he was earnest therein ; hearing of a *Report*, a monstrous long *Report*, to the end he might not lie under the Displeasure of either, or both Houses.

He added, ‘ *It is a bold word, but ’tis a Truth*, THIS HOUSE HAD NOT NOW BEEN SITTING BUT FOR ME.

‘ That he was formerly pursued by this House in two Points ; for being for the *French-Interest*, and for *Popery* : That he had then (if *he might have been heard*) justified himself, and hoped he had since, and will by all the Actions of his Life.

‘ That one *Firebrace*, by the Means of Mr. *Bates*, was introduced to him : That he had long known Mr. *Bates* ; and if he be not much deceived in him, he cannot believe that Gentleman would have transacted such a Matter, if put upon it.

‘ That the Evidence is but an *Hearsay*, and he hopes they will not condemn on *Hear-say* : That *he would not take up their time by entring into Particulars*.

‘ That as well as a *Treaty-part*, there is also a *Money-part* ; that as to the *Money-part*, much of it is false, and what is true he has made no Secret : That he can, and doth say, that (neither directly nor indirectly, upon his Faith and Honour) HE NEVER TOUCHED one Penny of the Money.

‘ That he observes a great deal of Pains has been taken to hook and draw in this Matter by a side-wind : That this *Firebrace* thinks his Merit will deserve 10000 and 30000 *l*. That this 5500 Guinea’s was no part of the 40000 *l*.

‘ That the Witnesses were called in by the Committee ; but in this, *Firebrace*, after his first Hearing, desired to be called in again himself, contrary to all Rules : This shews him at least a very willing Witness.

‘ That he has a *Thread* which he hopes to spin finer ; and make it appear, that this was a Design laid against him long before the naming this Committee : That *Warning* was given him some time since that this *Matter* would be improved against him : That *Firebrace* had been told, he should be excused if he would charge the Duke.

‘ He asks *no Favour*, but your favourable Justice : That it will be a most unfortunate thing in point of time, to be under the Displeasure of this House, or of the Nation.

‘ He prays that no severe Sense may be put on what will bear a candid One ; and that if it may be, the House would *reconsider* what is done, or at least preserve him from Cruelty, and not let him lie on the Rack, and be blasted until a Parliament shall sit again.

‘ That if they will proceed, it may be *speedily* ; for he had rather want Counsel, want Time, want any thing, than lie under their or the Nation’s Displeasure.

‘ He concluded, renewing his Thanks, and praying, if they would not *reconsider*, that then the Matter may be brought to a Determination, and that he may have at least their *SPEEDY JUSTICE*.

This Speech being ended, and the Duke withdrawn, Mr. Comptroller went up to the Lords (attended by many Members) with the Impeachment. And,

At that instant it was proposed in the House, That the Articles should be forthwith drawn up ; and thereupon the Committee which were joined with the Lords, were appointed to withdraw and prepare Articles of Impeachment against the Duke of *Leeds*.

[*Note*, This Order was made when many of the Members were gone up with Mr. Comptroller to the House of Lords ; and it was done in such haste, that the Committee had not Power to send for Persons, Papers, &c.]

Mr. Comptroller returned, and reported to the House, that he had been at the Lords, and at their Bar impeached the Duke of *Leeds* of High Crimes and Misdemeanors ; and acquainted them that this House will in due time exhibit Particular Articles against him, and make good the same.

After the Duke’s withdrawing, the House of Commons took his Speech into Consideration ; and

[*D*] says, That by this Noble Lord’s Speech, the Point is now, whether the House will arraign the Committee of both Houses, or go on with their Impeachment.

That

That this Noble Lord, when he came to the Matter, would not enter into Particulars, but passed it over with Excuse of wanting time.

He makes no Excuse as to the Facts: His Argument of a Contrivance was, that the 5000 Guinea's charged on him, was no part of the 40000 l. Firebrace was to account for. But this is an Aggravation of the Crime; for Sir Tho. Cooke had a double Account, one with, and one without the 5000 Guinea's: and this is an Indication, that if there was a Contrivance, it was not by the Committee, but with Sir Thomas Cooke, to stifle the Inquiry, and conceal the Corruption.

That the speedy Justice of the House was to be wish'd and desired: That if there was such a Contrivance, such a Thread as is mentioned by that Noble Lord, 'twas not to be doubted, but that House where he is impeached will clear him.

I moved that a Committee might be appointed to withdraw to consider what was to be done in order to gratify that Noble Lord by speedy Justice.

He observed, That his Friend's (Mr. Bates) tricking and contradicting himself, is more than the Evidence of Firebrace: Who was his Friend? Who was his Servant? Those were Questions not to be ask'd. Monsieur Robart was a Servant of my Lord President's, and is fled. — Mr. Bates said he kept the Money in his House; What was become of it? Sometimes he had spent it, sometimes it was in his Closet: He did own the Money was not in his House on Sunday; but on Tuesday-Morning Robart brought it to him, but he would never declare from whom he brought it.

[If an Answer may be given without Doors, and it will not disoblige the Honourable Member, who made this Inquiry, I'll inform him that the Duke's endeared Friend Mr. Bates, to whom his Grace was A SHADOW in the Matter of the 5000 Guinea's, is a Non-Juror, and is at present rated in the Parish of St. Paul Covent-Garden at 500 l. (not 5000 G.) to the present Tax of 4 s. per Pound, and pays 12 l. this Year for a double Tax for the 500 l. It proves happy to some Body that the Gold was not now to be fetch'd from St. GERMAINS, instead of St. JAMES's.]

A Message was then sent from the Lords, to acquaint the House of Commons, That it is the Opinion of their Lordships, that the Discovery made by Sir Tho. Cooke is not satisfactory, nor so full as to intitle him to the Benefit of the Act made to indemnify him; and that their Lordships desire the Concurrence of the Commons. They there-

upon instantly pass'd a Vote, as the Lords had done, and sent it up by the Lord Coningsby. Then

They ordered, *that the Committee who withdrew to prepare the Articles against the Duke of Leeds, do make their Report on Monday.*

[Note, *This Order was gained in the Absence of the Members who were at the Committee, and before they had Power to send for Persons and Papers : And their being so pressed by Orders made in their absence, gave occasion for a Motion, that the House would not proceed on Business in their absence, especially upon what related to the Matter referred to them.*]

Upon Monday it was ordered, That the Committee appointed to prepare the Articles against the Duke, *have Power to send for Persons, Papers, and Records.*

A Message came from the Lords, that they have pass'd a Bill, intituled, *An Act for imprisoning Sir Tho. Cooke, Sir Basil Firebrace, Charles Bates Esq; and James Craggs, and restraining them from aliening their Estates, to which they desire the Concurrence of the Commons ; and it was read.*

Mr. Comptroller reported from the Committee appointed to draw up the Articles against the Duke of Leeds, That they had prepared the same, and directed him to report them ; which he did, and they were read and agreed to, as follows :

ARTICLES *exhibited by the Knights, Citizens, and Burgeses in Parliament assembled, in the Name of Themselves, and of all the Commons of England, against Thomas Duke of Leeds, President of his Majesty's most Honourable Privy-Council, for High Crimes and Misdemeanors.*

I. ' **T**HAT certain Merchants trading to the *East-Indies*, having
 ' either forfeited their Charter, or being under an Appre-
 ' hension that they had forfeited the same ; and having made their
 ' humble Applications to their Majesties in Council for obtaining a
 ' Charter of Confirmation, the said Duke of *Leeds* being then Pre-
 ' sident of their Majesties most Honourable Privy-Council, and
 ' sworn to give their Majesties true and faithful Advice, did con-
 ' trary to his Oath, Office and Duty to their Majesties, and in breach
 ' of the Great Trust reposed in him, by himself, his Agents, or
 ' Ser-

‘ Servants, corruptly and illegally treat, contract, and agree with
 ‘ the said Merchants, or their Agents, for *Five thousand 500*
 ‘ *Guinea’s* to procure the said Charter of Confirmation; and also
 ‘ a Charter of Regulations, or to use his Endeavours to obtain the
 ‘ same.

II. ‘ That in pursuance of such corrupt Contract and Agreement,
 ‘ the said Duke of *Leeds* did by himself, his Agents or Servants, re-
 ‘ ceive or accept from the said Merchants, or their Agents, cer-
 ‘ tain Notes or Securities, whereby he or they were impowered to
 ‘ receive the said 5500 *Guinea’s* upon the passing the said Char-
 ‘ ters.

III. ‘ That soon after the passing of the said Charter of Confirma-
 ‘ tion, the Sum of 2500 *Guinea’s*, part of the said 5500 *Guinea’s*;
 ‘ and soon after the passing of the said Charter of Regulations, the
 ‘ farther Sum of 3000 *Guinea’s*, other part of the said 5500 *Guinea’s*,
 ‘ were, pursuant to the said corrupt Contract and Agreement, actu-
 ‘ ally received by the said Duke of *Leeds*, or by his Agents or Ser-
 ‘ vants with his Privity and Consent. And the said Knights, Citi-
 ‘ zens and Burgesses, by Protestation, saving to themselves the Li-
 ‘ berty of exhibiting at any time hereafter, any other Accusation or
 ‘ Impeachment against the said *Thomas Duke of Leeds*, and also of
 ‘ replying to the Answer that the said Duke of *Leeds* shall make un-
 ‘ to the said Articles, or any of them, or of offering Proof of the
 ‘ Premises, or any other Impeachments or Accusations that shall be
 ‘ exhibited by them, as the Case shall (according to the Course of
 ‘ Parliaments) require, do pray that the said *Thomas Duke of Leeds*
 ‘ be put to answer the said Crimes and Misdemeanors, and receive
 ‘ such Punishment as the same shall deserve: And that such Pro-
 ‘ ceedings, Examinations, Trials and Judgments, may be upon
 ‘ every of them had and used, as is agreeable to Law and Justice.

These Articles were ordered to be engross’d; which being done,
 Mr. Comptroller was ordered to carry them to the Lords, which he
 accordingly did.

In the House of Lords,

Saturday, *April 27.*

About the same time that Mr. Comptroller made the Report to
 the Commons, from the Committee of both Houses, the Lord Privy
 Seal

Seal made the same Report to the Lords; and after the reading thereof the Duke of *Leeds* expressed himself in this manner, *viz.*

‘ That as he had formerly protested himself to be free in this Matter; so he still denied, upon his Faith and Honour, that he was guilty of any such Corruptions as were suggested against him, and that if the whole Truth were laid open, it would tend to his Honour and Advantage.

‘ That he would be very free in telling their Lordships now before-hand, all that passed, in which he was any ways concerned. And thereupon declared, that Mr. *Bates* introduced Sir *Basil Firebrace* to him, and that he had had Conferences with Sir *Basil* upon the Subject of the *East-India-Company*, which *Firebrace* was concern’d for.

‘ That sometime after, Mr. *Bates* came and inform’d him that he was to have a Sum of Money of Sir *Basil Firebrace*; and desired his Lordship to lend him one of his Servants (Mr. *Bates* keeping but a Foot-man) to receive the Money, and so he lent him Monsieur *Robart*.

‘ That his Lordship knew nothing of the Sum; but afterwards Mr. *Bates* came to him, and told him he had received 5000 Guinea’s which he offered to him, telling his Lordship that he had been very obliging and kind to him; and that in Acknowledgment of the many Favours he had received from his Lordship’s hands, he humbly desired him to accept of them: Which he refusing, Mr. *Bates* press’d him earnestly to take one half or a quarter; which he still refused, declaring he would not touch a Penny of them; and told him, since he had taken them he thought there was no need of returning them, they were his own, and wish’d him good Luck with them. As I remember (said his Lordship) I did once to Mr. *Harry Savile*, for whom I had a great Respect; which reminds me of a Story I must needs tell your Lordships upon this Occasion. He then related the Story: That when he was Treasurer, the Excise being to be farm’d, for which many put in, the Bidders for it (who were to give in their Proposals sealed up) having applied to Mr. *Savile* for his Interest at Court, he came to his Lordship and desired that he would tell the Gentlemen that put in (who were several) that Mr. *Savile* had spoke for them: What, said I, (proceeded the Duke) would you have me tell all of them so, when but one is to have it? No matter for that, said Mr. *Savile*, for whoever has it will think I have done him this Service; and I am sure of a good Present, with-

‘ without more ado: So (my Lords) when the Men came, I told
 ‘ them one after another, Sir, you are very much obliged to Mr.
 ‘ *Savile*, Sir Mr. *Savile* has been very much your Friend. A little
 ‘ after, when the thing was settled, Mr. *Savile* came and thank’d
 ‘ me for what I had done; and told me he had got his Present that
 ‘ he had expected: which I told him I was glad of, and wish’d him
 ‘ *GOOD LUCK* with it, as I now did to Mr. *Bates*. And thus I was
 ‘ then a Shadow to Mr. *Savile*, as I was now to Mr. *Bates*.

About the time the Duke ended this Speech, private Notice came to the House of Lords, that the Commons were proceeding to an Impeachment against him; whereupon the Duke left the House in great haste, and going to the Door of the House of Commons, was admitted, and there made the Speech, as before related, *Page 49*.

Monday, *April 29*.

The Articles of Impeachment being brought up to the Lords, and read, the Duke of *Leeds* repeating several things to the same effect as formerly, said, ‘ That Mr. *Bates* desired that he would allow him
 ‘ to bring Sir *Basil Firebrace* to him; and that he bid Mr. *Bates* take
 ‘ care of Sir *Basil*, for he took him to be a very ill Man; but Mr.
 ‘ *Bates* said he knew him very well: so, after much Intreaty, his
 ‘ Lordship permitted Mr. *Bates* to bring him.

‘ That Mr. *Bates* and his Lordship had had a long Acquaintance
 ‘ and Friendship, and what he did in this Matter was only to be-
 ‘ friend him.

His Lordship added, ‘ That this Storm which was now fallen upon
 ‘ him, was some time a gathering; and it was promoted by a *FACTI-*
 ‘ *ON*, and a *PARTY* who had only a Pique against him; and the *King’s*
 ‘ *Business* had been delayed on purpose.

‘ That he had an Original Letter which gave him an Account of
 ‘ this sometime before it broke out; and it appeared only levell’d
 ‘ against him, because none else were prosecuted: and there ap-
 ‘ pear’d a Joy they could catch at this, for then they stop’d; and Sir
 ‘ *Basil Firebrace* was treated with to discover only this part, and so he
 ‘ should be excused from any farther Discovery.

His Lordship concluded praying a Copy of the Articles of his Impeachment, and of the Report made by the Committee to the House; which was readily granted.

In the House of Commons.

Upon Tuesday the 30th of *April*, the House read a second Time the Ingrossed Bill from the Lords, for *Imprisoning Sir Thomas Cooke, Sir Basil Firebrace, Bates and Craggs*; and committed it to a Committee of the whole House.

The Lords sent a Message to acquaint the House of Commons, that the Duke of *Leeds* having this Day put in his Answer to the Articles of *Impeachment* exhibited against him, their Lordships have sent a Copy thereof to them.

The Answer was received and read, and is as follows :

The ANSWER of the Duke of Leeds to the Articles of Impeachment exhibited against him by the Knights, Citizens, and Burgeses in Parliament assembled.

“ **T**His Defendant saving to himself all Advantages of Exceptions to the said Articles, humbly saith, That he is not guilty of all or any the Matters by the said Articles charged in Manner and Form, as the same are by the said Articles charged against him.

Upon the Duke's putting in the Answer, he again declared *before God, and upon his Honour and Conscience*, that he was not guilty, and had great Wrong done him in this Accusation.

The House of Commons ordered, that the Committee who were appointed to prepare the Articles against the Duke, do consider of, and prepare a *Replication* to his Answer.

Upon the 1st of *May* the House of Commons ordered their Committee, who were appointed to draw up the Articles against the Duke, to consider what is the proper Method to compel Witnesses to come in, and give their Evidence upon Trials of *Impeachments*.

Then the Commons read a Third time, and passed the Ingrossed Bill from the Lords, for *Imprisoning Sir Tho. Cooke, Sir Basil Firebrace, Charles Bates Esq; and James Craggs, and restraining them from aliening their Estates*; and sent it up to the Lords by Sir *Herbert Crofts*; who was ordered to acquaint their Lordships, that they had agreed thereto with some *Amendments*.

The

The Lords then sent a Message to the Commons to acquaint them that they think themselves obliged in Justice to put the House in mind of the *Impeachment* against the Duke of *Leeds*, to which the Duke's Answer having been transmitted to them, the Lords desire to be acquainted when they can be ready to make good the Articles of Impeachment, to the end a certain Day may be appointed by the Lords for that purpose.

Thereupon the House of Commons ordered that the Answer of the Duke of *Leeds* be referred to the Consideration of the Committee, and that they do consider what is to be done thereupon according to the Course of Parliaments, and that they do consider of the Message from the Lords.

' The Duke upon the 2d of *May*, complained in the House of Lords ' of the delay of the House of Commons in not replying to his Answer, ' alledging, that *the Impeachment was only to load him with Disgrace, and* ' *that they never intended to try him.* And added,

' That *THE PARTY* used great *Partiality* towards him, and ' *did not intend to enquire after others* : That they shewed a *Mark* of their ' *Partiality* and *Spleen*, in their *Amendment* to the Bill for Imprisoning ' *Sir Thomas Cooke, Sir Basil Firebrace* and the others, *Sir Basil* was to be ' bailed because he was the Witness against his Lordship.

[*Quære, Whether they were not the Duke's Friends and Relations in the House of Commons, that were for the Amendments to the Lords Bill, and divided that House for insisting upon that Amendment, when the Lords returned the Bill, with their Disagreement thereunto.*

2. *Whether the Duke's pressing for speedy Justice, and the Votes occasioned thereby, did not take away all possibility of proceeding upon other Matters and Persons contained in the Report.*]

Upon the 2d of *May*, the Commons resolv'd, That *the Offer of any Money or other Advantage to any Member of Parliament for the promoting of any Matter whatsoever, depending or to be transacted in Parliament, is a High Crime and Misdemeanour, and tends to the Subversion of the English Constitution.*

Mr. Comptroller, the same Day, reported from the Committee of the House of Commons ; ' That it is their Opinion, that the proper Method to compel Witnesses to come in, and give their Evidence upon ' Impeachments, is, in the first place, to issue out Summons from the ' House to such Witnesses for their Attendance : And that it appeared ' to them, that *Monsieur ROBERT* who is a Material Witness for

‘ making good the Articles against the D. of *Leeds*, had been summoned to attend the Committee, but could not be found ; and it not being yet known where he is, they are of Opinion not to make any farther Progress in the Matter to them referred, until they have the farther Direction of the House.

Which Resolution was agreed unto by the House, and an Order made, that Monsieur *Robart* do attend the House forthwith, to be examined touching the Matter relating to the D. of *Leeds* ; and that he be summoned by the *Serjeant at Arms*.

Upon Friday *May 3*, A Motion being made in the House of Lords, to read the Bill for granting to the King a *Duty upon Glass, &c.* the Duke rose up and told the Lords, ‘ That it grieved him, that he, who was as much as any Man for the Dispatch of the *Money Bills*, and never opposed any, should now do it ; but he hoped the Lords would consider his Case, not only as his, but the Case of any of their Lordships ; for it was in the Power of a *TINKER* to accuse at the end of a Session, and one might lie under it without Remedy : And since that *They*, by *Mismanagement*, had delayed this *Money Bill* for Six Weeks, it would not be of mighty ill Consequence it should lie a Day or two longer.

‘ His Lordship press’d very earnestly, that if the House of Commons did not reply, *the Impeachment might be discharged* ; for, if it were not, he might lie under the Reproach thereof all his Life. *He believed the Commons would do nothing in it*, for tho they had appointed a Committee to meet, they met but once, and that for Form, and never met more, nor would do any thing in it.

The same Friday *May 3*, in the House of Commons, the Speaker acquainted the House, that the Serjeant at Arms had inform’d him, that his Messenger had been at the D. of *Leeds*’s, and spoke to his Porter, and enquired for Monsieur *Robart*, to summon him to attend the House ; and that the Porter said he was not within, nor could he tell when he would, for he had not seen him in three Days past, and believed he was in the *Ccountrey*, but could not tell where ; and that the Messenger had left a Copy of the Order with the Porter, and told him he must be sure to give it to Monsieur *Robart* as soon as he could.

Whereupon the House of Commons resolved that Mr. Chancellor of the *Exchequer* should go and desire a Conference with the Lords, to which they agreed, and at the Conference the Managers for the Commons delivered this Paper.

‘ That

‘ That the Commons will make good the Charge against the D. of
 ‘ *Leeds*, in manner and form as in the Articles mentioned, and that the
 ‘ Committee who were appointed to draw the said Articles, have been
 ‘ daily employed in looking into Evidence against the Duke ; and that
 ‘ in the preparation of the Evidence they meet with an Obstruction,
 ‘ that Monsieur *Robart*, who appeared by the Depositions before the
 ‘ Committee of both Houses to be a *Material Witness*, is withdrawn since
 ‘ the *Impeachment* was carried up ; which has been the Reason the Com-
 ‘ mons have not yet acquainted your Lordships when they can be ready
 ‘ to make good the said *Impeachment*, the Commons being desirous
 ‘ that Justice be done without any manner of delay.

Mr. Chancellor of the *Exchequer* reported, that they had acquainted the Lords with what the House directed.

The Paper being brought into the Lords House and read, it was moved and agreed, without any Debate, or any Opposition made by the Duke of *Leeds* ; That an *Address* should be made to the King, to issue a *Proclamation* for stopping the Ports and seizing Monsieur *Robart*.

Note, The Duke, in assistance to the House, told them that it was requisite to insert the Person’s Christian Name, and said his Name was *John*, his Sirname being *Robart*.

‘ The Duke then rose up and blamed the House of *Commons*, for doing an unheard of, an unprecedented thing, to charge a Man with Crimes, and to say they were ready to make it good, before they had all the Evidence ; and now they should say they wanted a *Material Witness*, and lay it upon him to produce this Witness : as if a Person were obliged more to produce Evidence to accuse himself, than to answer such Questions by which he accuses himself.

‘ His Lordship then proceeded to acquaint the House, that in Truth, he had sent Monsieur *Robart* to see his Daughter *Leinster*, who went into the Country big with Child ; and order’d him to call at *Mims* to see his Daughter *Plimouth*, it being in his way to his Daughter *Leinster*’s, where the Messenger of the House of Commons might have known he was gone if he had ask’d.

‘ That his Lordship (that there might be no Mistake) sent a Messenger on purpose for *Robart*. That his Footman waked him about two of

‘ the Clock on Sunday Morning, (for which he was very angry) to let
 ‘ him know *Robart was come*, and was in the House, which was as soon
 ‘ as he could possibly return; That his Lordship told the Footman he
 ‘ would go to sleep, and would speak with *Robart* in the Morning, when
 ‘ he usually call’d him; but when his Lordship ask’d for him in the
 ‘ Morning, the Footman said he was gone; and upon Enquiry he found
 ‘ *Robart did not lie nor pull off his Boots in his Chamber*: That the Foot-
 ‘ man said, *he ask’d whether the News was true, that his Lord was Im-*
 ‘ *peach’d, and Mr. Bates was in Prison*; which the Footman own’d to be true,
 ‘ and his Lordship believes that frighten’d *Robart*.

Note, *The Duke had this Letter upon Wednesday, but took no notice of Robart’s being gone, or in his Power to be a Witness either against or for him, until this Friday May 3, after the Conference was had between the Two Houses to let the Lords know Robart was gone.*

‘ That his Chaplain shewed him a Letter
 ‘ from *Robart*, with a desire to acquaint his
 ‘ Lord, that *he design’d for his own Country,*
 ‘ *Switzerland, through Holland*; from
 ‘ whence *he would write his Lord a true*
 ‘ *Account of all the Matter of the 5500*
 ‘ *Guineas to Mr. Bates.*

‘ That his Lordship knew by the Manner of his Writing, by the Temper
 ‘ of the Man, and by a particular Knowledge he had of him and of
 ‘ **THE THING**, that he would not be seen here again in haste. So that
 ‘ *My Lords* (said his Grace) If this Man be insisted upon as a Material
 ‘ Evidence, and that my Trial is to be delayed till this Person is forth-
 ‘ coming; *When am I likely to be tried?* I humbly move your Lordships,
 ‘ that you will come to some *Resolution*, that if this Matter be not
 ‘ immediately proceeded upon, so that I may be tryed before the
 ‘ ending of this Session, *that the Impeachment shall fall.*

To which some few Lords cryed, *Well Moved.*

However the Lords read and pass’d the Bill that same Day, for the
 Duty upon *Glass, &c.* and His Majesty came to the House and gave the
 Royal Assent to several Bills, and amongst the rest to the Bill for Impri-
 soning Sir Thomas Cooke, Sir Basil Firebrace, Bates and Craggs; and
 also to a Bill intituled, *An Act for the King’s most Gracious, General and*
Free Pardon. but with this Exception amongst others,

Except also all Persons who have been or shall be Impeached in Parliament during this present Session.

And

And then *His Majesty* commanded the *Lord Keeper* to *Prorogue* the *Parliament*, to the 18th of *June*, and it was *Prorogued* accordingly.

It must be remembred, that upon the 3d of *May*, the *House of Commons* came to a *Resolution*, that the *Report* from the *Committee* of both *Houses* should be then read ; and it being read, *the House were proceeding to charge other Persons therein named*, and in particular *Sir John Trevor*, against whom *an Impeachment was moved* ; and thereupon a *Motion* being made, That a *Question* for *Adjournment* for two *Hours* should be put, it was carried in the *Negative* by a considerable *Majority* : So that the *House* proceeding afterwards to the *Impeachment* last mentioned, they were sent for by the *Black Rod* and *prorogued*.

An Abstract of the Act for Imprisoning Sir Thomas Cooke, Sir Basil Firebrace, Mr. Bates, and Mr. Craggs.

‘ THE Preamble sets forth, That by several Informations and Examinations taken before Committees of both Houses, it appears that there have been divers Practices to procure by corrupt Means a Charter and an Act of Parliament relating to the *East-India-Company* ; and *Sir T. C.* *Sir B. F. C. B.* and *J. C.* have been privy to the same : and having not upon their Examination hitherto made a full or satisfactory Discovery concerning the Premises ;

‘ To the end that their Persons and Estates may be secured so as to answer and be liable to Justice in Parliament ;

‘ It is enacted, that the said *Sir T. C.* *Sir B. F. C. B.* and *J. C.* shall be and are committed to the *Tower*, there to remain in Custody without Bail or Main-Prize, until the End of the next Session of Parliament, unless they shall sooner be discharged by his Majesty by the Consent of the two Houses.

‘ And it is enacted, that after the first of *May*, 1695. they shall be disabled from aliening, settling, charging or incumbring any of their Lands otherwise than by their last Wills ; and also be disabled from conveying or granting any of their Personal Estate in trust for themselves, their Wives or Children ; and from otherwise disposing of any of their Personal Estate, except for the Subsistence of themselves and their Families, or for paying just Debts due or contracted before the 23d of *April*, 1695. and except perishable Goods.

‘ Pro-

‘ Provided that the Act shall not extend to disable them from disposing of any of their Estates by their last Wills.

‘ Provided that Sir B. F. may give with his Daughter in Marriage such Portion and Provision as he hath already agreed to give, not exceeding twenty thousand Pounds.

A Proclamation was ordered for securing Monsieur Robart, it bears Date the 9th of May, and sets forth,

‘ That whereas by Examinations and Informations upon Oath before a Committee of both Houses of Parliament, touching the unlawful and indirect giving, receiving, and disposing of great Sums of Money, for procuring Charters for the East-India-Company, &c. it appeared that Monsieur John Robart was not only concern’d in the Receipt, but was also able to give Evidence and make Proof of the Disposal and Application of part of the said Money: Yet to avoid Justice and the Manifestation of the Truth, and to render all just and proper Methods of Prosecution ineffectual, he hath withdrawn himself and absconds, intending, as supposed, to escape beyond the Seas; and setting forth, that the Lords did address his Majesty to issue a Proclamation for securing the said Robart.

‘ The King requires and commands all his loving Subjects to discover and apprehend him, and carry him before some Justice, &c. who are required to secure him, and give notice to the Privy-Council or Secretaries, to the end he may be forth-coming, to be dealt with according to Law. And the King requires all Officers of the Ports, &c. to be careful in the Examination of all Persons that shall pass, or endeavour to pass the Seas. And if they discover him to cause him to be secured, and to give notice, &c. And the King commands all his Subjects, at their Peril, that they do not conceal but discover him, to the end he may be secured.

This Proclamation was ordered the 3d, bears Date the 9th, came out the 11th, and was proclaimed the 15th of May.

Now (to conclude) not to be guilty of the Indecency of asking who it was that brought this Proclamation into the Council upon the 9th of May, I presume to inquire, whether Monsieur Robart might not have been delivered from the Fright he was put into by hearing the Duke was impeach’d, and Mr. Bates imprisoned, and been wrought upon to come in, and (for his Grace’s Honour and Advantage) lay open
the

the whole Truth. If the Duke had been pleased to put an Advertisement into the Gazette, that he would interpose with his Majesty to obtain a Pardon for him, (if any way criminal) and give him 5000 Guinea's *to befriend him*, (or something to such effect): And whether such a Course would not have been of more Avail for securing *Robert's Forthcoming*, and *the Manifestation of the Truth*, and his Lord's Vindication, than this Proclamation has hitherto been.

Josh. 7. 13. *Thus saith the Lord God of Israel, there is an accursed thing in the midst of thee O Israel: Thou canst not stand before thine Enemies until ye take away the accursed thing from among you.*

F I N I S.

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